



## KENTUCKY BOARD OF MEDICAL LICENSURE

Andy Beshear  
Governor

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310 Whittington Parkway, Suite 1B  
Louisville, Kentucky 40222

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January 11, 2021


Senator Stephen West, Co-Chair  
Representative David Hale, Co-Chair  
c/o Emily Caudill, Regulation Compiler  
Administrative Regulation Review Subcommittee  
Legislative Research Commission  
029, Capitol Annex  
Frankfort, KY 40601

RE: **201 KAR 9:081. Disciplinary proceedings.**

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 9:081, the Kentucky Board of Medical Licensure proposes the attached amendments to 201 KAR 9:081.

Sincerely,

  
Leanne K. Diakov  
General Counsel

**SUGGESTED SUBSTITUTE**

**BOARDS AND COMMISSIONS**  
**Kentucky Board of Medical Licensure**

**201 KAR 9:081. Disciplinary proceedings.**

RELATES TO: KRS 218A.205, 311.530-311.620, 311.840-311.862, 311.990

STATUTORY AUTHORITY: KRS 218A.205(3)~~[(e)]~~(d), (e), ~~(f)~~, (5), (6), 311.565(1)(a), (i), 311.595, 311.597, 311.601, 311.842(1), 311.850

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311.565(1)(a) and (i) and KRS 311.842(1) authorize the board to promulgate administrative regulations to regulate the conduct of licensees and to promote the efficient and fair conduct of disciplinary proceedings. KRS 311.595 and 311.597 authorize disciplinary action against licensees for specified offenses. KRS 311.850 authorizes disciplinary action against physician assistant licensees. KRS 218A.205(3)~~[(e)]~~(d), ~~[and](e), and (f)~~ require the board to promulgate an administrative regulation establishing procedures for disciplinary action against [a] licensees who are authorized to prescribe controlled substances, including the enforcement of licensure standards to restrict the practice of a licensee or an applicant engaged in improper conduct. KRS 218A.205~~(6)]~~(5) authorizes the board to allow by administrative regulation an anonymous complaint or grievance. KRS 311.601 authorizes the board to adopt administrative regulations to effectuate and implement the provisions of KRS 311.550 to 311.620 in regard to physicians, and KRS 311.842(1) authorizes the board to adopt administrative regulations to license and regulate the practice of physician assistants in regard to KRS 311.840 to 311.862. This administrative regulation establishes the procedures to be followed in handling formal and informal disciplinary proceedings before the board, to conduct the proceedings with due regard for the rights and privileges of all affected parties.

Section 1. Definitions. ~~[(1) "Act" means the Kentucky Medical and Osteopathic Practice Act, KRS 311.550 to 311.620.]~~

(1) "Applicant" means a person who is applying for an initial license or applying to reregister an inactive license to practice medicine or osteopathy or to practice as a physician assistant in the Commonwealth of Kentucky.

~~(2)]~~(2) "Board" is defined by KRS 311.550(1).

~~(3)]~~(2)]~~(3)]~~ "Charge" is defined by KRS 311.550(14).

~~(4)]~~(3)]~~(4)]~~ "Complaint" is defined by KRS 311.550(15).

~~(5)]~~(4)]~~(5)]~~ "Executive director" is defined by KRS 311.550(4).

~~(6)]~~(5)]~~(6)]~~ "General counsel" is defined by KRS 311.550(5).

~~(7)]~~(6)]~~(7)]~~ "Grievance" is defined by KRS 311.550(13).

~~(8)]~~(7)]~~(8)]~~ "Hearing officer" means the person designated and given authority by the board to preside over all proceedings pursuant to the issuance of any complaint or show cause order.

(9) "License" means a license to practice medicine or osteopathy or to practice as a physician assistant.

(10) "Licensee" means a person licensed by the board to practice medicine or osteopathy or a person licensed by the board to practice as a physician assistant in the Commonwealth of Kentucky.

(11)]~~(8)]~~(9)] "Relating to a controlled substance" means any conviction or plea to a criminal charge, regardless of adjudication or the title of the offense named in the plea or judgment of conviction, that is determined from all available facts to have been based upon or resulted from,

in whole or part, an allegation of conduct involving the improper, inappropriate, or illegal use, possession, transfer, prescribing, or dispensing of a controlled substance.

~~(12)(9)(40)~~ "(14) "Relating to prescribing or dispensing or administering a controlled substance" means any conviction or plea to a criminal charge, regardless of adjudication or the title of the offense named in the plea or judgment of conviction, that is determined from all available facts to have been based upon or resulted from, in whole or part, an allegation of conduct involving the improper, inappropriate, or illegal prescribing, or dispensing, or administering of a controlled substance.

~~(13)(40)(44)~~ "Show cause order" means an order issued pursuant to KRS 311.572.

~~(11) "License" means a license to practice medicine or osteopathy or to practice as a physician assistant.~~

~~(12) "Licensee" means a person licensed by the board to practice medicine or osteopathy or a person licensed by the board to practice as a physician assistant in the Commonwealth of Kentucky.~~

~~(13) "Applicant" means a person who is applying for an initial license or applying to reregister an inactive license to practice medicine or osteopathy or to practice as a physician assistant in the Commonwealth of Kentucky.~~

Section 2. Reception of Grievances; Investigations. (1)(a) A grievance may be submitted by any individual, organization, or entity.

(b)1. The board shall provide a copy of the Information on Filing a Grievance, the Consumer's Guide to the KBML, the Grievance Form, and the Waiver of Privilege, Agreement to Release Records to a party who wants to register a grievance against a licensee [physician].

2. Each grievance shall be filed on the Grievance Form; and

a. Include the name and address of the party filing the grievance; or

b. Be filed anonymously, subject to paragraph (d) of this subsection.

(c) A board member or employee may initiate a grievance by providing a written memorandum to the executive director.

(d) If the board receives an anonymous grievance, an investigation shall be conducted if the grievance is accompanied by sufficient corroborating evidence as would allow the board to believe, based upon a totality of the circumstances, that a reasonable probability exists that the grievance is meritorious.

(2)(a) The board shall initiate each investigation pertaining to prescribing or dispensing or administering of a controlled substance within seventy-two (72) hours of the date of receipt of the grievance.

(b) Except as provided by subsection (1)(d) of this section, each grievance shall be investigated as necessary and as promptly as possible, and presented to the inquiry panel for review.

(c) An investigation pertaining to prescribing or dispensing or administering of a controlled substance shall be presented to the inquiry panel within 120 days of the date of receipt of the grievance unless the circumstances of a particular grievance make it impossible to timely present the grievance to the inquiry panel.

(d)1. The executive director may hold an investigation pertaining to prescribing or dispensing or administering of a controlled substance in abeyance for a reasonable period of time in order to permit a law enforcement agency to perform or complete essential investigative tasks, following a request by the requesting law enforcement agency.

2. If an investigation pertaining to prescribing or dispensing or administering of a controlled substance is not presented to the inquiry panel within 120 days of the date of receipt of the grievance, the investigative report shall plainly state the circumstances of that particular grievance or investigation that made timely presentation to the inquiry panel impossible.

(e) The inquiry panel or executive director shall have the authority to direct any investigation and shall possess any and all powers possessed by the board in regard to investigations as provided by KRS 311.591, ~~and~~ 311.605, and 311.850(2).

(f) The inquiry panel shall further be empowered to request the attendance of any person at any meeting of the inquiry panel in regard to the investigation of any grievance or consideration of any disciplinary matter.

(g) The failure, without good cause, of any licensee ~~[physician licensed to practice medicine or osteopathy by the board]~~ to appear before the inquiry panel when requested shall be considered unprofessional conduct in violation of KRS 311.595(9) and 311.850(1)(s).

(3) The inquiry panel shall be empowered to request compliance with the reporting requirements of KRS 311.605 or 311.606 and may pursue an investigation, on its own initiative, in regard to an act of noncompliance or any other perceived violation of board statutes ~~[the Act]~~.

Section 3. Reports and Recommendations; Petitions. (1) If the inquiry panel determines that a grievance warrants the issuance of a complaint against a licensee ~~[physician]~~, the inquiry panel shall cause a complaint to be prepared.

(2) If the panel chair determines that a grievance warrants the issuance of a complaint against a licensee ~~[physician]~~ and circumstances do not allow the timely presentation of the grievance to the inquiry panel, the panel chair shall cause a complaint to be prepared.

(3) If the inquiry panel determines that a disciplinary matter warrants the issuance of a show cause order against a licensee ~~[physician]~~, the inquiry panel shall cause a proposed order to be prepared.

(4) The board may issue a show cause order against a licensee ~~[physician]~~ in regard to any application for licensure, obtaining, retaining, or reobtaining licensure.

Section 4. Complaints. The complaint issued by an inquiry panel shall:

(1) Be signed and dated;

(2) Be styled in regard to the matter of the license to practice in the Commonwealth of Kentucky held by the named licensee ~~[physician]~~ and designated with an appropriate case number; and

(3) Set forth:

(a) The board's jurisdiction in regard to the subject matter of the complaint; and

(b) In numerical paragraphs, sufficient information to apprise the named licensee ~~[physician]~~ of the general nature of the charges.

Section 5. Show Cause Orders. The show cause order shall:

(1) Be signed and dated by an officer of the board;

(2) Be styled in regard to the license, application for license, or application for renewal, registration, or reregistration of a license to practice in the Commonwealth of Kentucky held by or submitted by the named licensee ~~[physician]~~, appropriately, and designated with an appropriate order number;

(3) Set forth:

(a) The board's jurisdiction in regard to the subject matter of the order; and

(b) In numerical paragraphs, the information which the board accepts to be true and the statutory basis for the board's finding that grounds exist for the discipline of the named licensee's ~~[physician's]~~ license; and

(4) Direct the named licensee ~~[physician]~~ to show cause why disciplinary action should not be taken in view of the matters expressed in the order.

Section 6. Orders to Respond. Upon issuance of a complaint, the inquiry panel shall notify the charged licensee ~~[physician]~~ that:

(1) A response is due within thirty (30) days after receiving notice of the complaint; and



(2) Failure to respond within that time period may be taken by the board as an admission of the charges.

Section 7. Notice and Service of Process. Each notice shall be issued as required by KRS 13B.050.

Section 8. Proceedings Pursuant to the Issuance of a Complaint or Show Cause Order. (1) Appointment of hearing officer. The board shall appoint a hearing officer in accordance with KRS 13B.030 and 13B.040.

(2) Appointment of the prosecuting attorney. The board's general counsel or assistant general counsel shall act as the prosecuting attorney in regard to any disciplinary proceeding, unless the board appoints a special prosecuting attorney. The prosecuting attorney shall not participate in any deliberations of the board pursuant to the issuance of a complaint, show cause order, or order of temporary discipline.

(3) Appointment of advisory counsel. The board may appoint a representative of the Attorney General's office, the board's general counsel, or other attorney to act as advisory counsel to the board in regard to any deliberations of the board pursuant to the issuance of a complaint, show cause order, or order of temporary discipline.

(4) The provisions of KRS Chapter 13B shall govern the conduct of each proceeding.

Section 9. Mandatory Reporting; ~~[Mandatory]~~ Disciplinary Sanctions; Emergency Action; Expedited Proceedings. (1)(a) Except as provided by KRS 431.073 ~~(7)(6)~~ and 533.258(2), every applicant ~~[for initial licensing to practice medicine or osteopathy within the Commonwealth of Kentucky]~~ shall report upon the applicant's initial application;

~~1.(4)~~ Any criminal conviction sustained or any plea of guilt, plea of nolo contendere, or Alford plea the applicant has entered to criminal charges in any state, regardless of adjudication;

~~2.(4)(b) Every applicant for initial licensing to practice medicine or osteopathy within the Commonwealth of Kentucky shall report upon the applicant's initial application any disciplinary action taken or sanction imposed upon the applicant's license to practice [medicine or osteopathy] in any state, to include surrendering or placing the applicant's license in an inactive or retirement status to resolve a pending investigation by the licensing authority; and~~

~~3.(4)(c) Every applicant for initial licensing to practice medicine or osteopathy within the Commonwealth of Kentucky shall report upon the applicant's initial application if the applicant is currently under investigation by the licensing authority of any other state for possible violations of the licensing or regulatory statutes of that state.~~

~~(b) Failure to report a criminal conviction or plea, or action taken by another licensing board, as required of an applicant by paragraphs (a) 1. [subparagraphs (i)] through 3. of this subsection [(4)], shall constitute a violation of the operative licensing statutes and may be grounds for denial of a license.~~

~~(c) Upon a finding by the board that the applicant committed a violation, the board shall consider and give weight to the legislative intent expressed in KRS 218A.205(3)(f) when exercising its discretion whether to deny or grant the license or to grant the license subject to terms of restriction or limitation.~~

~~(d) If an applicant reports being the subject of a pending criminal investigation or of a pending investigation by a state licensing authority, the board shall defer any action upon that application until it has received official notice that the criminal or state licensing investigation has been completed and official notice of what action was taken as a result of the investigation.~~

~~(2)(a) [(d)] Every licensee [person licensed to practice medicine or osteopathy within the Commonwealth of Kentucky] shall report to the board;~~

~~1.(4) any criminal conviction or plea of guilt, nolo contendere, or Alford plea to any criminal charges, regardless of adjudication, within ten (10) days of the entry of judgment of conviction or~~

the entry of the plea, entered into in any state. As part of this reporting, the licensee shall provide a copy of the judgment of conviction or plea documents.

~~2. [(ii)](e) Every person licensed to practice medicine or osteopathy within the Commonwealth of Kentucky shall report to the board within ten (10) days of receipt, notice of~~ any disciplinary action taken or sanction imposed upon the person's license in any state, including surrendering a license or placing a license into inactive or retired status to resolve a pending licensing investigation, within ten (10) days. As part of this reporting requirement, the licensee shall provide a copy of the order issued by or entered into with the other licensing board.].

~~(f)1. Failure to report a criminal conviction or plea, or action taken by another licensing board, as required of an applicant by paragraphs (a) through (c) of this subsection, shall constitute a violation of KRS 311.595(9) and (12).~~

~~2. Upon a finding by the board that the applicant committed a violation, the appropriate panel:~~  
~~a. Shall impose a fine of up to \$5,000 and the appropriate sanction mandated by subsection (2), (3), or (4) of this section; and~~

~~b. May impose any other additional sanction authorized by KRS 311.595, including denial of the application or revocation of the license previously issued based upon the incomplete information.]~~

~~(b) [(g)1.] Failure to report a criminal conviction or plea, or action taken by another licensing board as required of a licensee by paragraphs (a)1. and 2. of this subsection[subparagraphs (i) through (ii)] [paragraphs (d) and (e) of this subsection], shall constitute a violation of the operative licensing statutes and may be grounds for discipline of a license [KRS 311.595(9) and (12)].~~

~~(c) [2.] Upon a finding by the board that the licensee committed a violation, the appropriate panel shall consider and give weight to the legislative intent expressed in KRS 218A.205(3)(f) when exercising its discretion whether to impose discipline, including up to indefinite restriction or revocation, against the licensee.];~~

~~a. Shall impose a fine of up to \$5,000 and the appropriate sanction mandated by subsection (2), (3), or (4) of this section; and~~

~~b. May impose any other additional sanction authorized by KRS 311.595 based upon all of the information available to the panel when it takes action.~~

~~(2)(a) If an initial applicant reports being the subject of a pending criminal investigation or of a pending investigation by a state licensing authority, the board shall defer any action upon that initial application until it has received official notice that the criminal or state licensing investigation has been completed and official notice of what action was taken as a result of the investigation.~~

~~(b)1. If an initial applicant has been convicted of a felony offense or entered a plea of guilt, an Alford plea, or a plea of nolo contendere to any felony charge relating to a controlled substance, regardless of adjudication, in any state, the board shall exercise its normal discretion to grant or deny the application based upon all available facts.~~

~~2. Except as provided in paragraph 3 of this paragraph, if the board decides to grant a license to the initial applicant, the board:~~

~~a. Shall, at a minimum, permanently ban the applicant from prescribing or dispensing controlled substances as an express condition of granting the license; and~~

~~b. May impose any other conditions in addition to that permanent ban as express conditions of granting the license.~~

~~3. If the board learns from any source that an initial applicant has been convicted of or entered a plea of guilt, an Alford plea, or a plea of nolo contendere to any Class D felony offense relating to a controlled substance, and successfully participated in and completed a diversion program and had the case dismissed and the record of that offense expunged, then the board may, in its discretion, grant a license to the initial applicant contingent upon the applicant entering into an agreed order with terms and conditions deemed appropriate by the board as necessary for carrying out a minimum five (5) year period of probation.~~

~~(c) 1. Except as provided in subparagraph 2. of this paragraph, if a licensee has been convicted of or entered a plea of guilt, an Alford plea, or a plea of nolo contendere to any felony offense relating to a controlled substance, regardless of adjudication in any state, the appropriate panel:~~

~~a. Shall, at a minimum, permanently ban the licensee from prescribing or dispensing controlled substances as a disciplinary sanction; and~~

~~b. In addition to the permanent ban, may take any other disciplinary action authorized by KRS 311.595, including revocation, against the licensee.~~

~~2. If a licensee has been convicted of or entered a plea of guilt, an Alford plea, or a plea of nolo contendere to any Class D felony offense relating to a controlled substance, and successfully participated in and completed a diversion program and had the case dismissed and the record of that offense expunged, then the appropriate panel may, in its discretion, reinstate the licensee's prescribing or dispensing privileges contingent upon the licensee entering into an agreed order with terms and conditions deemed appropriate by the panel as necessary for carrying out a minimum five (5) year period of probation.~~

~~(3)(a) 1. If an initial applicant has been convicted of a misdemeanor offense relating to prescribing or dispensing a controlled substance or entered a plea of guilt, an Alford plea, or plea of nolo contendere to a misdemeanor charge relating to prescribing or dispensing a controlled substance, regardless of adjudication, in any state, the board shall exercise its normal discretion to grant or deny the application based upon all available information.~~

~~2. If the board decides to grant the application, the board:~~

~~a. Shall, at a minimum, ban the applicant from prescribing or dispensing controlled substances for a period of two (2) to five (5) years as an express condition of granting the license; and~~

~~b. May impose any other conditions in addition to that ban as express conditions of granting the license.~~

~~(b) If a licensee has been convicted of or entered a plea of guilt, an Alford plea, or a plea of nolo contendere to a misdemeanor offense relating to prescribing or dispensing a controlled substance, regardless of adjudication in any state, the appropriate panel:~~

~~1. Shall, at a minimum, ban the licensee from prescribing or dispensing controlled substances for a period of two (2) to five (5) years as a disciplinary sanction; and~~

~~2. In addition to the two (2) to five (5) year ban, may take any other disciplinary action authorized by KRS 311.595, including revocation, against the licensee.~~

~~(4)(a) 1. If an initial applicant has surrendered the applicant's professional license or placed that license into an inactive or retired status to resolve a pending licensing investigation, the board shall not grant a license to that initial applicant, unless the licensing authority of that state has subsequently reissued or reinstated the license.~~

~~2. If the licensing authority of the state has subsequently reissued or reinstated the license, the board shall exercise its normal discretion in determining whether to grant or deny the application based upon the available facts.~~

~~(b) If an initial applicant has had a disciplinary action taken against or sanction imposed upon the applicant's license to practice medicine or osteopathy in any state, the board:~~

~~1.a. Shall, at a minimum, impose the same substantive sanctions imposed by the other state as an express condition of granting the license; and~~

~~b. May impose additional sanctions as an express condition of granting the license; or~~

~~2. Shall deny the application based upon the facts available at the time.~~

~~(c) If a licensee has had disciplinary action taken against or sanctions imposed upon the licensee's license to practice medicine or osteopathy in any state, the appropriate panel:~~

~~1. Shall, at a minimum, impose the same substantive sanctions, up to and including permanent revocation or surrender, as a disciplinary sanction against the licensee's Kentucky license; and~~

~~2. In addition to these minimum sanctions, may take any other disciplinary action authorized by KRS 311.595, including revocation, against the licensee.]~~

~~(d)1.(4)(5)(a)~~ Failure to report a criminal conviction, a plea, or a disciplinary sanction by another licensing board as required by this section shall constitute a violation of law which constitutes an immediate danger to the public health, safety, or welfare ~~[, for purposes of KRS 344.502 and 13B.125]~~.

~~2.(4)(b)~~ If the board or one (1) of its panels learns that a licensee has suffered a qualifying criminal conviction or disciplinary sanction and has failed to report it as required by this section, the panel or its chair may immediately issue an emergency order appropriately suspending or restricting the licensee in accordance with this section.

~~3.(4)(e)~~ If an emergency order is issued and an emergency hearing is conducted pursuant to KRS 13B.125(3), the hearing officer shall not modify or amend the scope of the emergency order if there is substantial evidence to support the finding that the licensee failed to report a qualifying criminal conviction or disciplinary sanction as required by this section.

~~(e)1.(4)(6)(a)~~ If the only violation charged in a complaint against the licensee is a criminal conviction or disciplinary sanction described in this section, and the conviction or disciplinary action may be proved by accompanying official certification, the board shall take appropriate steps to expedite the resolution of that complaint.

~~2.(4)(b)~~ Following receipt of the licensee's response to the complaint, board counsel shall promptly file a motion for summary disposition on the ground that no genuine issues of material fact are in dispute, pursuant to KRS 13B.090(2).

~~3.(4)(e)~~ The licensee shall file a response to the motion for summary disposition within twenty (20) days of receipt of the motion.

~~a.(4)~~ The licensee shall not re-litigate either the criminal conviction or disciplinary sanction.

~~b.(2)~~ The licensee may offer as defense that the certification of the document is fraudulent.

~~4.a.(4)(d)(4)~~ The hearing officer shall issue a ruling upon the motion as soon as possible but no later than thirty (30) days after the motion is submitted for decision.

~~b.(2)~~ If the hearing officer issues a recommended order, the recommended order shall be presented to the board's hearing panel at its next meeting for resolution and imposition of the sanction permitted ~~[required]~~ by this section.

Section 10. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Information on Filing a Grievance", January 2013;

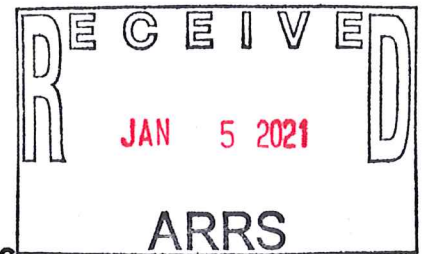
(b) "Consumer's Guide to the KBML", January 2013;

(c) "Grievance Form", January 2013; and

(d) "Waiver of Privilege, Agreement to Release Records", January 2013.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222, Monday through Friday, 8:00 a.m. to 4:30 p.m.

CONTACT PERSON: Leanne K. Diakov, General Counsel, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222, phone (502) 429-7943, fax (502) 429-7118, email Leanne.Diakov@ky.gov.



## KENTUCKY BOARD OF ARCHITECTS

Andy Beshear  
Governor

and CERTIFIED INTERIOR DESIGNERS

Cordelia Harbut  
Executive Director

December 29, 2020

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McCrery  
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Ex. Administrative Secretary

Senator Stephen West, Co-Chair  
Representative David Hale, Co-Chair  
c/o Emily Caudill, Regulation Compiler  
Administrative Regulation Review Subcommittee  
Legislative Research Commission  
029, Capitol Annex  
Frankfort KY 40601

Re: 201 KAR 019:215, 201 KAR 019:220, 201 KAR 019:225, 201 KAR 019:230,  
201 KAR 019:235, 201 KAR 019:240, 201 KAR 019:245, 201 KAR 019:250,  
201 KAR 019:255, 201 KAR 019:260, 201 KAR 019:265, 201 KAR 019:270,  
201 KAR 019:275, 201 KAR 019:410, 201 KAR 019:415, 201 KAR 019:420,  
201 KAR 019:425, 201 KAR 019:430, 201 KAR 019:435, 201 KAR 019:440,  
201 KAR 019:445, 201 KAR 019:450, & 201 KAR 019:455

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by the above numbered administrative regulations, the Kentucky Board of Architects proposes the attached amendment to the administrative regulation below:

201 KAR 019:215, 201 KAR 019:220, 201 KAR 019:225, 201 KAR 019:230,  
201 KAR 019:235, 201 KAR 019:240, 201 KAR 019:245, 201 KAR 019:250,  
201 KAR 019:255, 201 KAR 019:260, 201 KAR 019:265, 201 KAR 019:270,  
201 KAR 019:275, 201 KAR 019:410, 201 KAR 019:415, 201 KAR 019:420,  
201 KAR 019:425, 201 KAR 019:430, 201 KAR 019:435, 201 KAR 019:440,  
201 KAR 019:445, 201 KAR 019:450, & 201 KAR 019:455

Sincerely,

Cordelia Harbut  
Executive Director  
Kentucky Board of Architects

Final 12-9-2020

**SUGGESTED SUBSTITUTE**

**BOARDS AND COMMISSIONS  
Board of Architects**

**201 KAR 19:215. Accredited schools and colleges.**

RELATES TO: KRS 323.050

STATUTORY AUTHORITY: KRS **323.050**, 323.210

NECESSITY, FUNCTION, AND CONFORMITY: **KRS 323.050(2) requires an applicant for examination to hold a professional degree in architecture accredited by the National Accrediting Board (NAAB), or its equivalent as determined by administrative regulations promulgated by the board. KRS 323.210(2) authorizes the board to promulgate administrative regulations necessary to carry out and implement KRS Chapter 323. This administrative regulation** defines accredited schools of architecture.

Section 1. Accredited Schools and Colleges.**[:]** Schools and colleges of architecture that have professional degree programs meeting the requirements of the National Architectural Accrediting Board (NAAB) shall constitute the list of accredited programs of the schools and colleges.

CONTACT PERSON: Cordelia Harbut, Executive Director, Kentucky Board of Architects, 155 E Main Street, Suite 300, Lexington, Kentucky 40507, phone (859) 246-2069, fax (859) 346-2431, email [boa.irc@ky.gov](mailto:boa.irc@ky.gov).

Final 12-10-2020

**SUGGESTED SUBSTITUTE**

**BOARDS AND COMMISSIONS  
Board of Architects**

**201 KAR 19:220. Application for examination.**

RELATES TO: KRS 323.050, 323.215

STATUTORY AUTHORITY: KRS 323.210(1)(b), (2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 323.210(1)(b), (2) requires the board to promulgate administrative regulations governing the contents and conduct of examinations, the method and time for filing applications, and the time within which an applicant shall be examined after his or her application has been filed. This administrative regulation establishes~~prescribes~~ the application process for the examination.

Section 1. Application for Examination and Registration.

(1) Each applicant shall:

(a) Submit a notarized~~an~~ Application for Architect Registration Examination with a two (2) inch by two (2) inch passport photo; and

(b) Comply with the requirements of KRS 323.050 through 323.090 and 201 KAR Chapter 19~~the administrative regulations promulgated by the board~~.

(2) The requirements for an applicant are summarized in the~~the~~ Information and Instructions for Applicants for the Architects Registration Examination~~[""]~~.

Section 2. Examination Applications. An Application for ~~admission to the~~ Architect Registration Examination ~~[(ARE)]~~ shall be accompanied by the payment of the application fee~~fees~~ established in 201 KAR 19:255.

Section 3. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Application for Architect Registration Examination", November 2020~~June 2019~~ Edition, Kentucky Board of Architects; and

(b) "Information and Instructions for Applicants for the Architects Registration Examination", June 2019 Edition~~July~~, Kentucky Board of Architects.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Architects, 155 East Main Street, Suite 300, Lexington, Kentucky 40507, Monday through Friday, 8 a.m. to 4 p.m.

CONTACT PERSON: Cordelia Harbut, Executive Director, Kentucky Board of Architects, 155 E Main Street, Suite 300, Lexington, Kentucky 40507, phone (859) 246-2069, fax (859) 346-2431, email [boa.irc@ky.gov](mailto:boa.irc@ky.gov).

**MATERIAL INCORPORATED BY REFERENCE**

The agency needs to file one (1) clean copy of the "Application for Architect Registration Examination" at the time that it files this staff suggested amendment that includes the following changes:

- Updates the Edition Date to November 2020



- Change any occurrences of “must” to “shall”
- Page 1 - Fixes the board’s name to “Kentucky Board of Architects”, the name of the board does not include “and Certified Interior Designers” in KRS 323.010(1).
- Page 2 - Changes citations to KRS 323.120(1)(a) through (j), paragraph (j) was not previously included and make sure included on form where statute text appears
- Page 2 – Correct citation “KAR 201:005-110”, it appears incorrect and is not in the proper format, should be TITLE KAR Chapter-section, such as 201 KAR 19:220.
- Page 4 – Correct citation “KAR 201.005 through KAR 201.110” and put in proper format

# KENTUCKY BOARD OF ARCHITECTS



## APPLICATION FOR ARCHITECT REGISTRATION EXAMINATION

SOCIAL SECURITY NUMBER: \_\_\_\_\_ NCARB FILE # \_\_\_\_\_

NAME: \_\_\_\_\_

<i>Last Name</i>	<i>First Name</i>	<i>Middle Name</i>	<i>Suffix</i>

OTHER NAMES (if applicable): \_\_\_\_\_  
Maiden Name, etc.

**BUSINESS ADDRESS:** *(If you are a student, unemployed, etc., so state - if self-employed, so state, otherwise you shall list your current employer)*

Firm Name: \_\_\_\_\_

Street: \_\_\_\_\_

City: \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

## RESIDENCE ADDRESS:

Street: \_\_\_\_\_

City: \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_ Cellular Phone: \_\_\_\_\_

FOR CONTACT INFORMATION, USE MY: ☐ BUSINESS ☐ RESIDENCE (Choose One)

Birthdate: \_\_\_\_\_ Location: \_\_\_\_\_

Country: \_\_\_\_\_

I hereby apply to take the Architect Registration Examination. (Choose One)

- ☐ I am currently enrolled in the Training Development Program and am eligible to test, verified by NCARB.
- ☐ I have completed the Training Development Program and am eligible to test, verified by NCARB.
- ☐ I have previously applied to the Kentucky Board to take the Architect Registration Examination and am reapplying to continue the exam process.

Date Previously Applied: \_\_\_\_\_

## EDUCATIONAL BACKGROUND:

*Do not abbreviate information, if possible*

Colleges, Universities, Technical Schools  
including location (e.g. City, State)

Date Degree Received  
(list Month & Year)

Degree Received


## NAAB ACCREDITED DEGREE(S) from schools & colleges of architecture:


*If you answer YES to any of the following questions, you shall explain. Use a separate sheet. The Board may refuse to authorize eligibility to take the A.R.E. or issue a license to any candidate to practice architecture in the Commonwealth of Kentucky, or may impose penalties or sanctions authorized by provisions of KRS 323 or 201 KAR, Chapter 19 if an individual has committed any willful violation of a Kentucky or other state law relating to the practice of architecture.*

### From KRS 323.120(1) (a) through (j) GROUNDS FOR DENIAL, RENOVATION OR SUSPENSION – CIVIL PENALTY

(1) The board may refuse to issue, reissue, or renew a license, or may issue a private or public reprimand or may probate, suspend, or revoke the license of any architect to practice architecture in the Commonwealth of Kentucky, or may impose any combination of these sanctions for any of the following reasons:

- (a) Gross incompetence or gross negligence in the planning or construction of buildings, as determined by the board;
- (b) Unprofessional conduct, or conduct tending to bring the profession into disrepute, as determined by the board;
- (c) Conviction of a felony;
- (d) Fraudulent or dishonest architectural practice;
- (e) Use of false evidence or misrepresentations in an application for licensing or an application for a renewal certificate;
- (f) Signing or affixing his seal to any plans, prints, specifications of buildings, or reports, which have not been prepared by him personally or by his employees under his supervision;
- (g) Violating any provision of this chapter or administrative regulations promulgated under the chapter;
- (h) Failing to comply with an order issued by the board; or
- (i) Aiding or abetting someone in the unlicensed practice of architecture.
- (j) Having a license or registration certificate to practice as an architect denied, limited, suspended, probated, or revoked in another jurisdiction on grounds sufficient to cause licensure to be denied, limited, suspended, probated, or revoked in this state.

- 1) The applicant has committed an act specified in KRS 323.120 (a) through (j), as enumerated above
  - ☐ Yes
  - ☐ No
- 2) The applicant has committed a felony offense
  - ☐ Yes
  - ☐ No
- 3) The applicant has difficulty with chronic alcoholism or persistent drug use
  - ☐ Yes
  - ☐ No
- 4) The applicant has violated a provision of KRS 323.010-.250 or 201 KAR 19:210-275
  - ☐ Yes
  - ☐ No
- 5) The applicant has violated registration laws of another jurisdiction
  - ☐ Yes
  - ☐ No



APPLICANT'S NAME: \_\_\_\_\_  
Last Name First Name Middle Initial Suffix

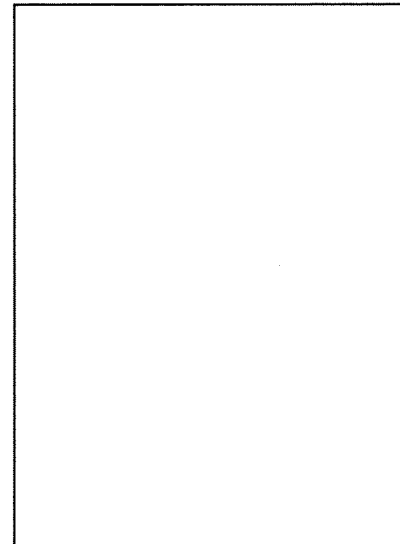
**AFFIDAVIT AND NOTARIZATION:** I acknowledge I have read and understand the applicable statutes and administrative regulations governing this Board (ref: KRS 323 & 201 KAR, Chapter 19 - see Page 4). The undersigned, being duly sworn, upon his or her oath deposes and says that he or she is the person making the foregoing statements and that they are made in good faith and are true in every respect.

\_\_\_\_\_  
Signature of Applicant

State of: \_\_\_\_\_  
County of: \_\_\_\_\_

I, \_\_\_\_\_ a  
Notary Public in and for said County in the State  
aforesaid, DO HEREBY CERTIFY that

Place recent, color, passport type  
photograph of the applicant here



\_\_\_\_\_  
Personally known to me to be the same person whose  
name is subscribed to the foregoing instrument,  
appeared before me this day in person, and  
acknowledged that he or she signed, sealed and  
delivered the said instrument as his or her free and  
voluntary act, for the uses and purposes therein set  
forth.

\_\_\_\_\_  
GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS

\_\_\_\_\_  
DAY OF \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_  
MY COMMISSION EXPIRES:

\_\_\_\_\_  
NOTARIAL SEAL



TO REVIEW THE KENTUCKY REVISED STATUTES GOVERNING THE REGULATION OF ARCHITECTS (KRS 323), including the provisions referenced herein before (KRS 323.010 through KRS 323.250), you may link to the following website:

KRS Chapter 323

TO REVIEW THE KENTUCKY ADMINISTRATIVE REGULATIONS GOVERNING THE REGULATION OF ARCHITECTS (201 KAR, Chapter 19), including the provisions referenced herein before (201 KAR 19.210 through 201 KAR 19.275) you may link to the following website and scroll to Chapter 19:

KAR Chapter 19 Board of Architects

*Applicant Do Not Write Below This Line*

*Board Office Staff Only In This Section*

**NCARB NAAB DEGREE CONFIRMED:**

\_\_\_\_\_  
*Institution*

\_\_\_\_\_  
*Degree and Date*

**NCARB IDP CONFIRMED TRAINING HOURS:**

\_\_\_\_\_

**TRAINING UNITS:** \_\_\_\_\_

**Date Received:**

\_\_\_\_\_

**NCARB Reviewer:**

\_\_\_\_\_

**KYBOA APPROVAL:**

\_\_\_\_\_  
*Executive Director*

**APPLICATION DENIED:**

\_\_\_\_\_  
*Staff Signatures*

**EXPLANATION:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Submit completed form & \$100 application fee to: <https://secure.kentucky.gov/formservices/BOA/PaymentPortal>**

**SUGGESTED SUBSTITUTE**

**BOARDS AND COMMISSIONS  
Kentucky Board of Architects**

**201 KAR 19:225. Examinations required; general provisions.**

RELATES TO: KRS 323.050, 323.215

STATUTORY AUTHORITY: KRS 323.210(1)(b), (2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 323.210(1)(b), (2) requires the board to promulgate administrative regulations governing the contents and conduct of examinations, the method and time for filing applications, and the time within which an applicant shall be examined after his or her application has been filed. This administrative regulation specifies the examination required by the board, and establishes general provisions relating to the administration of the examination.

**Section 1. Examination Definition; Administration.**

(1) Each applicant for licensure shall successfully complete the Architect Registration Examination (ARE), which is developed and graded by the National Council of Architectural Registration Boards (NCARB).

(2) The board shall designate each testing service consultant who shall administer the examination in accordance with the agreement between the consultant and NCARB.

(3) The examination sites and schedules shall be as designated by the testing service and agreed to by NCARB.

**Section 2. Conditions of Examination.**

(1) Grading of the examination shall be in accordance with the national grading procedure administered by NCARB.

(2) The board shall adopt the scoring procedures recommended by NCARB.

(3) Information pertaining to the subject matter of the examination shall not be given to an applicant in advance, except as specifically authorized by the board.

(4) The board may approve transfer credits for each part of the examination passed prior to the 1983 ARE. Information as to transfer credits shall be provided, if appropriate, to an applicant who requests an Application **for Architect Registration Examination, as incorporated by reference in 201 KAR 19:220[form].**

Section 3. (1) An applicant who has passed all divisions of the ARE by January 1, 2006, regardless of the time taken, has passed the examination.

(2) **Five (5) Year Rolling Clock: For all initial candidates for licensure, a passing grade for any division of the ARE shall be valid for an initial period of five (5) years, plus any extension granted under NCARB's rolling clock extension policy, after which time the division shall expire unless the candidate has completed the ARE.**

**(3) Applicants for licensure that completed the ARE:**

**(a) Prior to January 1, 2006, will not have any divisions governed by the five (5) year rolling clock;**

**(b) Prior to July 1, 2014, will have only divisions passed after January 1, 2006, governed by the five (5) year rolling clock; and**

(c) On July 1, 2014 or later, will have all divisions governed by the five (5) year rolling clock~~[An applicant who has passed one (1) or more, but not all divisions of the ARE by January 1, 2006, shall have five (5) years to pass all remaining divisions.~~

~~—(a) A passing grade for any remaining division shall be valid for five (5) years, after which time the division shall be retaken if the remaining divisions have not been passed.~~

~~—(b) The five (5) year period shall commence after January 1, 2006, on the date when the passed division is administered.~~

~~—(c) Divisions passed before January 1, 2006 shall not have to be retaken].~~

(4) [(3)] An applicant who has not passed any division of the ARE by January 1, 2006 shall be governed by the five (5) year requirement, which shall commence on the date when the first passed division is administered.

Section 4. Applicant Notice. Each applicant who has applied and is~~been deemed~~ eligible to take the examination shall be notified of the examination sites and the procedures to make the appointments with the testing service centers to take the examination divisions of his or her choosing. Special instructions and limitations shall be issued to each applicant.

#### Section 5. Transfer of Scores.

(1) The board, upon proper Application for Architect Registration Examination, as incorporated by reference in 201 KAR 19:220, may accept passing scores achieved on divisions of the ARE administered and attested to by another NCARB member board under the terms of Section 3 of this administrative regulation.

(2) The board, upon written request~~[proper application and payment of the applicable fee]~~, may forward the grades achieved by an applicant in the various divisions of the examination given under the board's jurisdiction to any other duly constituted architectural registration board and to NCARB for use in evaluating the applicant's eligibility for NCARB certification. The applicant shall state his or her reason for requesting transfer. The transfer shall terminate the applicant's application pending before the board.

#### Section 6. Conditions of Examination.

(1) Upon allegation of misbehavior on the part of an applicant in connection with taking the examination, the board shall investigate the allegation and take appropriate action including suspending or revoking test taking privileges and the cancellation of test scores.

(2) Misbehavior shall include:

- (a) Falsifying information on the examination application;
- (b) Cheating on the examination;
- (c) A violation of examination guidelines; or
- (d) A violation of a confidentiality agreement with respect to the examination.

CONTACT PERSON: Cordelia Harbut, Executive Director, Kentucky Board of Architects, 155 E Main Street, Suite 300, Lexington, Kentucky 40507, phone (859) 246-2069, fax (859) 346-2431, email [boa.irc@ky.gov](mailto:boa.irc@ky.gov)



Final 12-14-2020

**SUGGESTED SUBSTITUTE**

**BOARDS AND COMMISSIONS  
Kentucky Board of Architects**

**201 KAR 19:230. Reexamination; reconsideration.**

RELATES TO: KRS 323.090, 323.210

STATUTORY AUTHORITY: KRS 323.210(1)(b), (2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 323.210(1)(b), (2) requires the board to promulgate administrative regulations governing the contents and conduct of examinations, the method and time for filing applications, and the time within which an applicant shall be examined after his or her application has been filed. This administrative regulation prescribes conditions for reexamination and reconsideration of applications.

Section 1. Reexamination Applicants. An applicant who failed to successfully complete the examination under the provisions of KRS 323.090 and 201 KAR 19:225:

- (1) Shall be considered a new applicant for the examination; and
- (2) Shall submit a new Application **for Architect Registration Examination, as incorporated by reference in 201 KAR 19:220,** and processing fee **as established in 201 KAR 19:255, Section 2(2).**

Section 2. Reconsideration of Applicants who were Denied Admission to Examination.

(1) An applicant whose original Application **for Architect Registration Examination** for admission to the examination was denied may request reconsideration by letter to the board with evidence that he or she has made up the deficiencies which caused the denial. A formal application or application fees shall not be required for this request if it is made within a period of three (3) years from the date denied.

(2) After three (3) years a new Application **for Architect Registration Examination** shall be submitted containing relative information on training and experience subsequent to the original application.

CONTACT PERSON: Cordelia Harbut, Executive Director, Kentucky Board of Architects, 155 E Main Street, Suite 300, Lexington, Kentucky 40507, phone (859) 246-2069, fax (859) 346-2431, email [boa.irc@ky.gov](mailto:boa.irc@ky.gov)

Final 12-11-2020

## SUGGESTED SUBSTITUTE

### BOARDS AND COMMISSIONS Kentucky Board of Architects

#### 201 KAR 19:235. Reciprocity; registration without examination.

RELATES TO: KRS 323.060, 323.210

STATUTORY AUTHORITY: KRS 323.210

NECESSITY, FUNCTION, AND CONFORMITY: **KRS 323.210(2) requires the board to promulgate administrative regulations necessary to carry out the purposes of KRS Chapter 323. This administrative regulation establishes general requirements for**~~To define basis and rules for registration of~~ nonresident architects.

#### Section 1. General Requirements of Nonresident Architects.

(1) **A** nonresident ~~architect~~**architects** shall be fully registered in Kentucky before **he or she practices**~~they practice~~ architecture in the Commonwealth. Any nonresident architect who desires registration in Kentucky, and whose state of residence grants reciprocal licensing privileges satisfactory to this board **pursuant to KRS 323.060**, may apply for a license in Kentucky.

(2) He **or she** shall make **an** application through the National Council of Architectural Registration Boards, 1401 H ST NW #500, Washington, DC 20005, **using the Uniform Application for Architect Registration, NCARB Form 308** and obtain NCARB certification.

(3) An NCARB record plus certification shall provide all, or most of the information needed in applying for registration.

Section 2. Review of Applications. Registration by reciprocity shall be based upon equivalent examinations, experience, character, and education requirements. An application received through the National Council of Architectural Registration Boards shall be accepted for review to determine if the qualifications for licensing by examination were, in the opinion of the board, equal to those prescribed in Kentucky.

#### Section 3. Additional Provisions. The board may~~[, in its discretion]~~:

(1) Call for **a** personal interview **of** any applicant whose record is not sufficiently clear as to his **or her** technical, ethical, **or**~~and~~ moral qualifications, for further **evaluation**~~judgment thereon~~.

(2) Grant registration without examination to any architect whose application shows him **or her** to be so qualified and so fitted to practice architecture that his **or her** services will, in the opinion of this board, be a valuable asset to both the Commonwealth of Kentucky, and the profession of architecture.

(3) ~~[In any case]~~ The board reserves **[unto itself alone]** the right of **the** decision to grant or deny registration by reciprocity to any applicant.

**Section 4. Incorporation by Reference. (1) "Uniform Application for Architect Registration, NCARB Form 308", 1/2021, is incorporated by reference.**

**(2) This material may be inspected, copied, or obtained, subject to applicable copy-right law, at the Kentucky Board of Architects, 155 East Main Street, Suite 300, Lexington, Kentucky 40507, Monday through Friday, 8 a.m. to 4 p.m.**

CONTACT PERSON: Cordelia Harbut, Executive Director, Kentucky Board of Architects, 155 E Main Street, Suite 300, Lexington, Kentucky 40507, phone (859) 246-2069, fax (859) 346-2431, email [boa.irc@ky.gov](mailto:boa.irc@ky.gov).

#### **MATERIAL INCORPORATED BY REFERENCE**

The agency shall file at the time it files this staff suggested amendment, one (1) clean copy of the "Uniform Application for Architect Registration, NCARB Form 308".

- An edition date of 1/2021 appears in the MIR Section at the end of the regulation since KRS Chapter 13A requires an edition date in the regulation. Since NCARB did not include a date on the form, this date is used to indicate this form is what was currently in effect when it went through ARRS in January.

201 KAR 19:235  
As Am @ ARRS,  
1/2021

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## UNIFORM APPLICATION FOR ARCHITECT REGISTRATION

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JURISDICTION TO WHICH YOU ARE APPLYING: \_\_\_\_\_

DATE: \_\_\_\_\_

LAST NAME: \_\_\_\_\_ FIRST NAME: \_\_\_\_\_ M.I.: \_\_\_\_\_

SUFFIX: \_\_\_\_\_

*If you have had a legal name change, please attach a notarized document attesting to this fact.*

PREFERRED NAME FOR REGISTRATION DOCUMENTS: \_\_\_\_\_

SOCIAL SECURITY NO. : \_\_\_\_\_

The following statement is made pursuant to the Privacy Act of 1974§7(B). Disclosure of your Social Security Number is mandatory. Solicitation of your Social Security Number is solely for Tax Administration purposes pursuant to 36 M.R.S.A § 175 as authorized by the Tax Reform Act of 1975 (42U.S.C§495(C)(2)(C)(1). Your Social Security Number will be used by the Department of Taxes and the Department of Employment and Training in the administration of tax laws to identify individuals affected by such laws, and by the Office of Child Support.

NCARB FILE NO.: \_\_\_\_\_ NCARB CERTIFICATE NO.: \_\_\_\_\_

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CORRESPONDENCE	Preferred Address for Correspondence:	Business	Residence
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Daytime Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email: \_\_\_\_\_

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BUSINESS ADDRESS	Firm Name:
------------------	------------

Address: \_\_\_\_\_

City & State: \_\_\_\_\_

Zip: \_\_\_\_\_ Country: \_\_\_\_\_

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RESIDENCE ADDRESS    Address: \_\_\_\_\_

City & State: \_\_\_\_\_

Zip: \_\_\_\_\_ Country: \_\_\_\_\_

Residence Phone: \_\_\_\_\_

---

CITIZENSHIP

U.S. Citizenship:    Birth      Naturalized

Other Citizenship: \_\_\_\_\_

---

BIRTHDATE

Birthdate: \_\_\_\_\_

Place of Birth: \_\_\_\_\_

Gender:    Male      Female

---

REGISTRATION  
HISTORY:

Have you been previously registered in the jurisdiction to which your  
are now applying?    yes      no

Jurisdiction of original architectural registration: \_\_\_\_\_

Is registration currently in good standing?    yes      no

(if no, explain on supplemental sheet)

Other registrations: (please use separate sheet if necessary)

Jurisdiction: \_\_\_\_\_ Registration No.: \_\_\_\_\_

Date Acquired: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

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Jurisdiction: \_\_\_\_\_ Registration No.: \_\_\_\_\_

Date Acquired: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

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Jurisdiction: \_\_\_\_\_ Registration No.: \_\_\_\_\_

Date Acquired: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

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### AFFIDAVIT AND NOTARIZATION

*If any answer to any of the following questions is "yes," please attach a detailed explanatory statement.*

- |  |     |    |
|--|-----|----|
| 1. Have you or any agent of your firm practiced, or solicited architectural work or represented yourself as an architect in this State prior to having been licensed?  | yes | no |
| 2. Have you been disciplined by any occupational licensing board?  | yes | no |
| 3. Are you currently under investigation by any occupational licensing board?  | yes | no |
| 4. Has your registration been denied, suspended or revoked in any jurisdiction?  | yes | no |
| 5. Have you surrendered or allowed a registration to lapse in any jurisdiction due to any action pending or threatened ?   | yes | no |
| 6. Have you signed any legal document that settles a dispute or charges against you brought by a Registration Board or a Court of Law?   | yes | no |
| 7. Have you been found by a Court or Registration Board to have violated the architectural registration laws or the professional/occupational laws of any jurisdiction?  | yes | no |
| 8. Have you entered into a negotiated settlement with regard to professional or occupational registration laws?  | yes | no |
| 9. Have you ever been convicted of a felony, any crime involving moral turpitude, a misdemeanor involving fraud, deceit or misrepresentation or been convicted of any crime other than a minor traffic violation in any jurisdiction? (If yes, please list date(s), crime(s) and submit a copy of the court judgment(s) as well as a letter from you explaining the circumstances surrounding your conviction. | yes | no |
| 10. Are there any felony/criminal charges now pending against you?   | yes | no |

The applicant agrees as follows:

- I will not represent myself as an architect or offer to perform architectural services in this jurisdiction until this application is approved and an architect's license has been granted by this board.
- No agent of my firm will offer to perform or contract to perform architectural services in this jurisdiction until the application process is completed and an architect's license has been granted by this board.
- I have read the Architectural Act and Rules/Regulations of the Board for the jurisdiction in which I am applying and I am qualified to practice architecture in this jurisdiction.
- I acknowledge that making a false statement to the above questions may subject me to disciplinary action including, but not limited to, immediate revocation or suspension of my registration.

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The undersigned, being duly sworn, upon oath deposes and says that he/she is the person making the forgoing statements and that they are made in good faith and are true in every respect.

\_\_\_\_\_  
Signature of Applicant

State of: \_\_\_\_\_ County of: \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public in aforesaid

County, in the State aforesaid, DO HEREBY CERTIFY that

\_\_\_\_\_

personally known to me to be the same person whose name is subscribed to the foregoing instrument as his/her free and voluntary act, for the uses and purpose therein set forth.

GIVEN UNDER MY HAND AND NOTARIAL SEAL  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_ (year)

NOTARY PUBLIC

\_\_\_\_\_  
MY COMMISSION EXPIRES:

\_\_\_\_\_  
NOTARIAL SEAL

Please include a recognizable  
photo in this space.

Photo must be signed by you  
and dated. Approximate photo  
size  
2 1/2 X 2 1/2

Please refer to specific jurisdiction instructions for mailing and fee information.



Final 12-11-2020

**SUGGESTED SUBSTITUTE**

**BOARDS AND COMMISSIONS  
Kentucky Board of Architects**

**201 KAR 19:240. Resident licensed in another state; reciprocity.**

RELATES TO: KRS 323.060

STATUTORY AUTHORITY: KRS 323.210

NECESSITY, FUNCTION, AND CONFORMITY: **KRS 323.210(2) authorizes the board to promulgate administrative regulations necessary to carry out the purposes of KRS Chapter 323. This administrative regulation establishes requirements for licensure[To further relate registration]** through reciprocity.

Section 1. Residents Licensed in other States but not in Kentucky. A resident of Kentucky who is licensed in another state, but not in Kentucky who wishes to obtain a license by reciprocity shall follow the same procedure and meet the same standards as required for nonresident architects **as established in 201 KAR 19:235, Section 1.**

CONTACT PERSON: Cordelia Harbut, Executive Director, Kentucky Board of Architects, 155 E Main Street, Suite 300, Lexington, Kentucky 40507, phone (859) 246-2069, fax (859) 346-2431, email [boa.irc@ky.gov](mailto:boa.irc@ky.gov)

Final 12-14-2020

**SUGGESTED SUBSTITUTE**

**BOARDS AND COMMISSIONS  
Kentucky Board of Architects**

**201 KAR 19:245. Duplicate certificates.**

RELATES TO: KRS 323.100, 323.210(2), (5), (7)

STATUTORY AUTHORITY: KRS 323.210(2), (5), (7)

NECESSITY, FUNCTION, AND CONFORMITY: **KRS 323.210(2) authorizes the board to promulgate administrative regulations necessary to carry out the purposes of KRS Chapter 323. KRS 323.210(5) and (7) authorize the board to promulgate administrative regulations to establish rules for the use of seals and signatures in electronic transactions and to assess reasonable administrative fees for copies of mailing lists, duplicate forms, and other media consistent with KRS 61.870 to 61.884.** KRS 323.100 specifies the form of the license issued by the board. This administrative regulation provides the basis for issuing duplicate certificates.

Section 1. Request and Conditions. An architect who is registered in the Commonwealth of Kentucky may secure a duplicate certificate by requesting a duplicate certificate **from the board**~~and accompanying this request with the fee established by 201 KAR 19:255, Section 2(11)]~~.

CONTACT PERSON: Cordelia Harbut, Executive Director, Kentucky Board of Architects, 155 E Main Street, Suite 300, Lexington, Kentucky 40507, phone (859) 246-2069, fax (859) 346-2431, email [boa.irc@ky.gov](mailto:boa.irc@ky.gov)

Final 12-14-2020

**SUGGESTED SUBSTITUTE**

**BOARDS AND COMMISSIONS  
Kentucky Board of Architects**

**201 KAR 19:250. Temporary licensing not permitted.**

RELATES TO: KRS 323.020

STATUTORY AUTHORITY: KRS 323.210

NECESSITY, FUNCTION, AND CONFORMITY: **KRS 323.210(2) authorizes the board to promulgate administrative regulations necessary to carry out the purposes of KRS Chapter 323. This administrative regulation prohibits temporary licensure of nonresident licensed architects**~~[To further define requirements for license]~~.

Section 1. Temporary Licensing: Temporary registration, licenses, or permits **shall**~~[will]~~ not be granted.

CONTACT PERSON: Cordelia Harbut, Executive Director, Kentucky Board of Architects, 155 E Main Street, Suite 300, Lexington, Kentucky 40507, phone (859) 246-2069, fax (859) 346-2431, email [boa.irc@ky.gov](mailto:boa.irc@ky.gov)

**SUGGESTED SUBSTITUTE**

**BOARDS AND COMMISSIONS  
Kentucky Board of Architects**

**201 KAR 19:255. Fees.**

RELATES TO: KRS 323.080, 323.110

STATUTORY AUTHORITY: KRS 323.080, 323.210(1)(b), (2), (3)(b)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 323.080, 323.210(1)(b), (2), (3)(b) require the board to promulgate administrative regulations establishing fees for services. This administrative regulation establishes the deadline for paying the renewal fee and a fee schedule.

**Section 1. License Renewal.**

(1) The renewal fee shall be due and paid before the first day of the year designated as the licensee's renewal period. Except as provided in subsection (3) of this section, a licensee failing to pay the renewal fee on or before the 30th day of August, of that designated year, or who has not voluntarily surrendered his or her registration by that date, shall be guilty of violation of **KRS 323.110[the law]** and his or her license shall be automatically revoked.

(2)(a) Except as provided by paragraph (b) of this subsection, a license shall be renewed, restored, or reinstated by July 1 of each calendar year.

(b) A license issued between January 1 and June 30 of a calendar year shall not be renewed until the following July 1.

(3)(a) During a period of active military duty, a licensee in the military may, upon written request[application] to the board, be excused from paying the renewal fee until the military service is terminated and the licensee wishes to resume practice.

(b) An identification card or renewal certificate shall be issued upon notification of the licensee's return from duty and payment of the current renewal fee.

(4)(a) An architect whose license has expired or has been revoked for failure to pay the renewal fee, who wishes to have his or her license reinstated, shall make a written request giving the reason why the licensee neither surrendered his or her registration nor paid the fee within the time prescribed by **subsection (1) of this section[law]**.

(b) Upon payment of the prescribed fees and acceptance by the board, the license shall be reinstated.

(5)(a) The application for license renewal **on the Annual Renewal Notice and Invoice** shall include a signed affidavit that the licensee has not been in violation of the professional practice standards stated in 201 KAR 19:260.

(b) Failure to sign the affidavit shall be cause for the renewal application to be rejected.

**Section 2. Fee Schedule.**

(1) Application for ~~[admission to the]~~ Architect Registration Examination - \$100.

(2) Reapplication for admission to the Architect Registration Examination after original application has expired - \$100.

(3) For a license certificate after passing of examination - twenty-five (25) dollars.

(4) Application for restoration of a voluntarily surrendered license - \$150.

(5) Application for a license by reciprocity with another state or country - \$200.

(6) Application for reinstatement of license revoked or expired for failure to pay renewal fee, or suspended by the board; renewal fees from date of revocation plus - \$150.

(7)(a) Annual renewal fee for a license renewal submitted and received before July 1: \$125.

(b) Annual renewal fee for a license renewal submitted and received on or after July 1 and before August 1: \$150.

(c) Annual renewal fee for a license renewal submitted and received on or after August 1 and before August 30: \$175.

(8) Annual renewal fee for an emeritus architect: fifty (50) dollars.

(9) Certifying the active license of a registrant to the licensing agency of another jurisdiction: twenty-five (25) dollars.

(10) ~~[Administrative fee of twenty-five (25) dollars for failure to notify the board of change of an address, telephone number, email address or employment within thirty (30) days of the change.~~

~~—(11) Administrative fee of twenty-five (25) dollars for duplicate documents, including renewal forms, wallet cards, or wall certificates.~~

~~—(12)J(a) A fee shall not be refunded.~~

(b) Each payment shall be by:

1. Check made payable to "Kentucky State Treasurer[.];"

2. Credit card; or

3. Debit card

~~[(c) Each check shall be certified except those for the renewal fee].~~

Section 3. Charges for Examination. (1) An applicant shall register with and pay the cost of taking the examination directly to the designated testing service.

(2) The examination fee shall be paid each time the examinations are taken and shall not be refunded.

**Section 4. Incorporation by Reference. (1) "Annual Renewal Notice and Invoice", 2020 Edition, is incorporated by reference.**

**(2) This material may be inspected, copied, or obtained, subject to applicable copy-right law, at the Kentucky Board of Architects, 155 East Main Street, Suite 300, Lexington, Kentucky 40507, Monday through Friday, 8 a.m. to 4 p.m.**

CONTACT PERSON: Cordelia Harbut, Executive Director, Kentucky Board of Architects, 155 E Main Street, Suite 300, Lexington, Kentucky 40507, phone (859) 246-2069, fax (859) 346-2431, email [boa.irc@ky.gov](mailto:boa.irc@ky.gov)

## **MATERIAL INCORPORATED BY REFERENCE**

The agency shall at the time it files this staff suggested amendment, file one (1) clean copy of the "Annual Renewal Notice and Invoice" with a 2020 Edition Date.



KENTUCKY BOARD OF ARCHITECTS  
ANNUAL RENEWAL NOTICE AND INVOICE  
FISCAL YEAR \_\_\_\_\_

201 KAR 19:255  
As Am @ ARRS,  
1/2021



**MAKE CHECK PAYABLE TO**  
Kentucky State Treasurer  
for other payment options contact  
the board office at BOA.IRC@KY.GOV

**REMIT PAYMENT AND THIS FORM TO**  
Kentucky Board of Architects  
155 East Main Street, Suite 300  
Lexington, KY 40507  
BOA.KY.GOV

YOUR KY ARCHITECT LICENSE NO.: \_\_\_\_\_ LAST FOUR (4) DIGITS OF YOUR SOCIAL SECURITY #: \_\_\_\_\_

NAME: Last \_\_\_\_\_ First & Middle \_\_\_\_\_ Suffix \_\_\_\_\_

HOME ADDRESS: Street \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_  
Home Telephone: \_\_\_\_\_ Cellular: \_\_\_\_\_

BUSINESS / FIRM NAME: \_\_\_\_\_

BUSINESS ADDRESS: Street \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_  
Business Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email Address: \_\_\_\_\_

PREFERRED CONTACT LOCATION: ☐ Home ☐ Business DATE OF BIRTH: \_\_\_\_/\_\_\_\_/\_\_\_\_

PLEASE READ CAREFULLY AND CHECK ONLY ONE BOX BELOW & INITIAL IN THE SPACE PROVIDED:

☐ **RENEW MY ARCHITECT LICENSE:** I hereby apply to renew my architect's license in the Commonwealth of Kentucky. Further, I hereby certify that for the current year ending, June 30, I have not been in violation of the professional practice standards in 201 KAR 19:260. To renew my Kentucky license I am hereby attaching the annual renewal fee of \$125.00 with this renewal form. *Initial here:* \_\_\_\_\_

☐ **VOLUNTARY SURRENDER:** In accordance with the provisions of KRS 323.110 (2) I voluntarily surrender my architect's license by hereby notifying the Board in checking this block and signing in the space provided hereafter. By surrendering my license, I acknowledge and agree that I will no longer be known as an architect, and shall desist from the practice of architecture in Kentucky. I further acknowledge and agree that within five years from July 1<sup>st</sup> of this year I may restore my license without examination as long as I meet the current requirements of KRS 323 and 201 KAR 19. If five years thereafter have elapsed I will return to the status of a new applicant. *Initial here:* \_\_\_\_\_  
YOU MAY NOW SKIP TO BACK PAGE, ITEM #2, TO CONTINUE COMPLETION.

☐ **REQUEST EMERITUS ARCHITECT STATUS:** I hereby request Emeritus Architect status. To obtain "Emeritus Architects" status, one must be retired from practicing in all jurisdictions, at least sixty-five years of age and agree to pay the applicable annual renewal fee. Emeritus Architects are exempt from continuing education requirements. To obtain Emeritus Architect status I am hereby attaching the annual renewal fee of \$50.00 with this renewal form. *Initial here:* \_\_\_\_\_  
YOU MAY NOW SKIP TO BACK PAGE, ITEM #2, TO CONTINUE COMPLETION.

COMPLETED RENEWAL FORMS AND ACCOMPANYING FEE ARE DUE IN THE BOARD OFFICE ON OR

BEFORE JUNE 30<sup>TH</sup>, \_\_\_\_\_

(For Payment Options please contact the Board Office at BOA.IRC@ky.gov)

**APPROPRIATELY AND ACCURATELY, ANSWER EACH OF THE FOLLOWING QUESTIONS:**

**1. CONTINUING EDUCATION CERTIFICATION:** In accordance with the requirements of 201 KAR 19:087, I certify that I completed a minimum of 12 structured activities in health, safety and welfare related professional development unit activities since January 1, \_\_\_\_\_ through December 31, \_\_\_\_\_. I understand I am required to keep my continuing education records for five years and that I am subject to an audit during that period by this Board. I further understand that failure to comply may result in a civil penalty, renewal denial, suspension and/or revocation of my license.

☐ Yes ☐ No

or that

☐ Per 201 KAR 19:087 Section 3 (1) (a) I am exempt from the continuing education requirements for this renewal year because I am a first time registrant by this Board in the Commonwealth of Kentucky.

or that

☐ Per 201 KAR 19:087 Section 3 (1) (d) I am exempt as a current resident registrant of another jurisdiction, which has continuing professional development requirements and also accepts registrants meeting Kentucky's continuing professional development requirements. I certify that I have met the current professional development requirements of that jurisdiction, as follows.

Applicable Jurisdiction: \_\_\_\_\_ Registration # \_\_\_\_\_  
List Applicable State Jurisdiction List the Applicable State Jurisdiction License Number

**3. IN THE PAST YEAR HAVE YOU** been convicted of or pleaded nolo contendere (no contest) to a felony? If your answer is YES a copy of the final judgment must be provided to the Board office attached to this renewal form.

☐ Yes ☐ No

**4. IN THE PAST YEAR HAVE YOU** been disciplined by any licensing board or jurisdiction? If your answer is YES provide additional documentation and/or explanation to this Board office attached to this renewal form.

☐ Yes ☐ No

**5. APPLICABLE FEES:**

If you checked to **RENEW MY ARCHITECT LICENSE** your fee is: \$125.00

If you checked to **VOLUNTARY SURRENDER** my architect license: No Fee

If you checked to **REQUEST EMERITUS ARCHITECT STATUS** your fee is: \$ 50.00

Applicable Late Fee (to be added to the appropriate above fee):

For submittals received in Board office between July 1<sup>st</sup> and July 31<sup>st</sup> - \$ 25.00

For submittals received in Board office between Aug. 1<sup>st</sup> and Aug. 30<sup>th</sup> - \$ 50.00

Make checks payable to the KENTUCKY STATE TREASURER in the amount as required, for debit and credit card payment options contact the board office at BOA.IRC@KY.GOV

**6. CERTIFICATION (REQUIRED)**

I certify that the information given by me on this form and any attachments is accurate and correct. Further, I understand what I have been asked and I have answered truthfully. I have read and am familiar with, 323 of the Kentucky Revised Statutes (KRS 323) and Chapter 201 of the Kentucky Administrative Regulations Chapter 19 (201 KAR19).

Signature (required) \_\_\_\_\_ Date \_\_\_\_\_

Failure to complete the form or illegible entries will deter the renewal of your license  
Links to KRS 323 and 201 KAR 19 are available at the Board's website: [www.boa.ky.gov](http://www.boa.ky.gov) or [legislature.ky.gov](http://legislature.ky.gov)  
Telephone: (859) 246-2069 Fax: (859) 246-2431



Final 12-14-2020

**SUGGESTED SUBSTITUTE**

**BOARDS AND COMMISSIONS  
Kentucky Board of Architects**

**201 KAR 19:260. Professional practice standards; violations, penalties.**

RELATES TO: KRS 323.095, 323.120, **323.130**

STATUTORY AUTHORITY: KRS 323.210(2), (3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 323.210(2) and (3) ~~authorize~~**[authorizes]** the board to establish administrative regulations relating to architecture and continuing education requirements. This administrative regulation establishes ***what constitutes unprofessional practice***, penalties for unprofessional practice, and ***further defines gross incompetence, gross negligence, unprofessional conduct, and fraudulent or dishonest practice***~~[the failure to comply with continuing education requirements]~~.

Section 1. Unprofessional Practice, Penalties, and Procedure. (1) The following shall constitute unprofessional practice:

- (a) Gross incompetence or negligence;
  - (b) Unprofessional conduct or conduct tending to bring the profession into disrepute;
  - (c) Conviction of a felony;
  - (d) Fraudulent or dishonest architectural practice;
  - (e) Use of false evidence or misrepresentation in an:
    - 1. Application for licensing; or
    - 2. License renewal application;
  - (f) Signing or affixing a seal to a plan, print, specifications for a building, or report which have not been prepared by the architect or an employee under ***the architect's***~~[his]~~ supervision; and
  - (g) Failure to comply with continuing education requirements in 201 KAR 19:087.
- (2) The following penalties may be imposed on an architect for unprofessional practice:
- (a) Refusal of to grant a license;
  - (b) Refusal to renew or reissue a license;
  - (c) Private or public reprimand;
  - (d) Imposition of probation;
  - (e) Suspension of a license; ***and***
  - (f) Revocation of a license.
- (3) The procedure for imposing a penalty on an architect shall be conducted in accordance with KRS Chapter 13B and ***KRS*** 323.130.

Section 2. Gross Incompetence and Gross Negligence Defined. The following acts or omissions by an architect shall ~~[be deemed to]~~ be gross incompetence or gross negligence within the meaning of the law:

- (1) Willfully failing to use reasonable care and diligence in ***the architect's***~~[his]~~ professional practice, resulting in a building or structure being improperly constructed to the detriment of the occupants; ***and***~~[-]~~
- (2) Willfully failing to use reasonable care and diligence in preparing drawings, specifications, and other documents relating to the design and construction of buildings for the protection of a client in all relationships as agent of the client.

Section 3. Unprofessional Conduct Defined. The following acts by an architect shall be **~~[deemed to be]~~** "unprofessional conduct":

(1) Accepting compensation for architectural services from any entity other than **the architect's[his]** client or employer;**~~[-]~~**

(2) Offering or making a payment or gift to a government official (whether elected or appointed) with the intent to influence the official judgment in connection with a prospective or existing project in which the architect has an interest in providing architectural services;**~~[-]~~**

(3)(a) Offering or making a payment or gift, as an individual architect or as a participating member of a partnership or corporation, to an elected governmental official, candidate for governmental office, or the campaign of a candidate for governmental office, **~~if[when]~~** the payment or gift is a violation of federal or state campaign finance laws or administrative regulations;**~~[-]~~**

(b) Entering a plea of guilty or an "Alford" plea to, or having been found guilty of, or having been convicted of, a felony or misdemeanor involving the violation of federal or state campaign finance laws, and the time for appeal has lapsed or the judgment or conviction has been affirmed on appeal, irrespective of an order granting probation following the conviction, suspending imposition of sentence shall be conclusive proof of a violation of this section, and a certified copy of the judgment or order shall constitute sufficient proof of a violation;**~~[-]~~**

(4) Offering or making any gifts, except gifts of nominal value (including, for example, reasonable entertainment and hospitality), with the intent to influence the judgment of an existing or prospective client in connection with a project in which the architect has an interest;**~~[-]~~**

(5) Having a financial interest in the manufacture, sale, or installation of any component or process used in a project for which he **or she** is the architect unless the client has been advised and has waived any objection;**~~[-]~~**

(6) Publicly endorsing a product, system, or service, or permitting the use of **the architect's[his]** name or photograph to imply endorsement of a product, system, or service not designed or developed by him **or her**; or

(7)**~~(a)~~** Using paid advertising on behalf of himself **or herself**, his **or her** partner, associate, or any other architect affiliated with **the architect's[him or his]** firm, that contains a statement or claim which is false or tends to be misleading, deceptive, or unfair, or which makes material claims of superiority which cannot be substantiated rather than being designed to inform the public.

**~~[(b) Advertising may include the name of the architect or firm, address, telephone number, a statement of the fields of practice, and a statement of the geographical area where services are rendered, and cost of services.~~**

**~~(c) An architect or architectural firm which advertises a fee for a specific service and accepts employment for that service shall perform for the amount stated, and a statement to that effect shall be included in every advertisement.~~**

**~~(d) Advertisements may be by newspaper or magazine advertisements, radio or television announcements, display advertisements in the city or telephone directories.]~~**

Section 4. Fraudulent or Dishonest Practice Defined. The following practices by an architect shall be **~~[deemed to be]~~** "fraudulent or dishonest practice" within the meaning of the law:

(1) Making an untrue or deceitful statement in an application for examination or registration, or in an application for license renewal or in any other statements or representations to the board;**~~[-]~~**

(2) Affixing **the architect's[his]** seal to a drawing:

(a) For which he **or she** was not:

1. The author; or

2. In charge of preparing the plan; or

(b) Which was not prepared under his **or her** supervision;**~~[-]~~**

(3) Bribing a person who may influence the selection of an architect;**~~[-]~~**

- (4) Willfully misleading or defrauding a person employing him or her as an architect;[-]
- (5) Willful violation of:
  - (a) A Kentucky or other state law relating to the practice of architecture; or
  - (b) 201 KAR Chapter 19~~[An administrative regulation promulgated by the board]; or[-]~~
- (6) Using, or attempting to use, or practicing under, a license that has been suspended or revoked or which has not been renewed as required by KRS Chapter 323 and 201 KAR Chapter 19~~[law and the administrative regulations of the board]~~.

Section 5. Registration while Working for Others. (1) Without affecting the status of his or her registration, an architect may work as an employee of:

- (a) Another architect; or
  - (b) A firm, if his or her duties are nonarchitectural.
- (2) If an architect works as an architect for or with a nonarchitect or corporation not under the control of architects:
- (a) He or she shall maintain:
    - 1. Free and unbiased judgment;
    - 2. Unrestrained use of his or her professional prerogatives and services to clients; and
  - (b) The terms of his or her employment shall permit full compliance with the:
    - 1. Obligations of practice; and
    - 2. 201 KAR Chapter 19~~[Administrative regulations]~~.

Section 6. Office Staffing. An office maintained for the preparation of drawings, specifications, reports and other professional work shall have a regularly employed architect duly registered with this board, in full authority and responsible charge, having direct knowledge and supervisory control of all work.

#### Section 7. Advertising.

(1) Advertising may include the name of the architect or firm, address, telephone number, a statement of the fields of practice, and a statement of the geographical area where services are rendered, and cost of services.

(2) An architect or architectural firm which advertises a fee for a specific service and accepts employment for that service shall perform for the amount stated, and a statement to that effect shall be included in every advertisement.

(3) Advertisements may be made by:

(a) Newspaper or magazine advertisements;

(b) Radio or television announcements;

(c) Display advertisements in the city or telephone directories; or

(d) Internet or other advertisements offered through other electronic means.

CONTACT PERSON: Cordelia Harbut, Executive Director, Kentucky Board of Architects, 155 E Main Street, Suite 300, Lexington, Kentucky 40507, phone (859) 246-2069, fax (859) 346-2431, email [boa.irc@ky.gov](mailto:boa.irc@ky.gov)

Final 12-14-2020

## SUGGESTED SUBSTITUTE

### BOARDS AND COMMISSIONS Kentucky Board of Architects

#### 201 KAR 19:265. Individual seals; office titles.

RELATES TO: KRS 323.095

STATUTORY AUTHORITY: KRS 323.210

NECESSITY, FUNCTION, AND CONFORMITY: KRS 323.210(2) authorizes the board to promulgate administrative regulations necessary to carry out the purposes of KRS Chapter 323. KRS 323.210(5) authorizes the board to promulgate administrative regulations to establish rules for the use of seals and signatures in electronic transactions. This administrative regulation establishes requirements for architects to use a seal on all documents and prescribes the dimensions and design of the seal~~[To describe the required seal acceptable to the board]~~.

Section 1. Individual Seals Required. Each architect registered for practice within the Commonwealth of Kentucky shall sign, date, and imprint with the architect's[his] seal all documents prepared by the architect[him] or under architect's[his] supervision, and shall secure and use for this purpose a seal of the following design:

- (1) Two (2) concentric circles;
  - (a) The outer circle to be one and nine-sixteenths (1 9/16) inches in diameter and the inner circle to one (1) inch in diameter;~~[-]~~
  - (b) The upper portion of the annular space between the two (2) circles shall bear the name of the registrant;~~[-]~~
  - (c) The lower portion of the annular space shall bear the word "Architect~~[-]~~"; and[-]
  - (d) The space enclosed by the inner circle shall be divided into an upper and lower half;~~[-]~~
    1. The upper portion shall consist of three (3) lines, the word "Registered," then the abbreviation "No.," and then the number of the certificate of the registrant; and[-]
    2. The lower portion shall contain, in three (3) lines, the words "Commonwealth of Kentucky."
- (2) It shall be permissible to combine the names and registration numbers of two (2) or more registered architects from the same office on one (1) seal. The names of any persons who are not registered architects on any such combination shall not be permitted.
- (3) It shall be made clear, by proper use of seal that only those who are licensed architects in Kentucky are in charge and fully responsible for the work involved.

(4) Examples of permissible seals may be found in the Sample Forms of the Prescribed Seal that contains examples of three (3) versions of the prescribed seal sample, including a partnership, an individual, and a firm version.

#### Section 2. Office and Firm Names.

- (1)(a) Title blocks and firm names used in connection with the practice of architecture in this state shall not:
  1. Be misleading; or
  2. ~~[not]~~ Infer that unlicensed persons are architects;~~[-]~~ and
- (b) Only those registered to practice in Kentucky shall be ~~[so]~~ designated as architects.
- (2) A firm name may be used without all members being registered if those architects who are licensed in Kentucky have the title "architect" applied only to them in subheadings or subtitles in defining the practice of the firm. Examples:

(a) SMITH, JONES, MILLER & MOORE Albert Smith, Architect  
(~~If~~~~Where~~) Smith, ~~[and]~~ Jones, Miller, and Moore are all~~both~~ architects in their own state, but only Albert Smith is licensed in Kentucky and is fully responsible for work in this state); ~~[or]~~  
(b) SMITH, JONES, MILLER & MOORE, Inc. Architects and Engineers Albert Smith, Architect Carl Miller, Mech. Engr. Robert Jones, Architect John Moore, Struct. Engr.  
(~~If~~~~Where~~) all are licensed in Kentucky in the professions indicated); or  
(c) STATEWIDE STUDIOS, Inc. Roy Jones, Architect John Davis, Mech. Engr. Carl Smith, Architect Alan Moore, Manager  
(~~If~~~~Where~~) Jones and Smith are both licensed in Kentucky and the firm has other members they wish to include in their office title).

Section 3. **Incorporation by Reference.** (1) **“Sample Forms of the Prescribed Seal”, November 2020 Edition, is**~~are~~ incorporated by reference.

(2) **This material**~~and~~ may be **inspected, copied, or** obtained, **subject to applicable copyright law, at**~~from~~ the Kentucky Board of Architects, 155 East Main Street, Suite 300, Lexington, Kentucky 40507, Monday through Friday, 8 a.m. to 4 p.m.

CONTACT PERSON: Cordelia Harbut, Executive Director, Kentucky Board of Architects, 155 E Main Street, Suite 300, Lexington, Kentucky 40507, phone (859) 246-2069, fax (859) 346-2431, email [boa.irc@ky.gov](mailto:boa.irc@ky.gov)

#### **MATERIAL INCORPORATED BY REFERENCE**

At the time that the agency files this staff suggested amendment it needs to file one clean copy of the “Sample Forms of the Prescribed Seal” with a November 2020 Edition date.

# KENTUCKY BOARD OF ARCHITECTS

Sample Forms of the Prescribed Seal

201 KAR 19:265

As Am @ ARRS,

1/2021



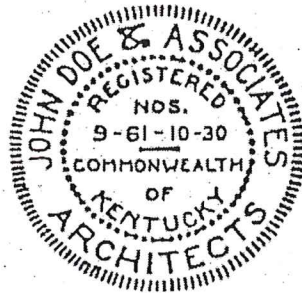
## Partnership Version

To bear only the names of the partners who are registered.



## Individual Version

Bearing only the name of the individual Registrant.



## Firm Version

To be used only when every member of the firm is registered.

Final 12-15-2020

**SUGGESTED SUBSTITUTE**

**BOARDS AND COMMISSIONS  
Kentucky Board of Architects**

**201 KAR 19:270. Plans and specifications standards.**

RELATES TO: KRS 323.020

STATUTORY AUTHORITY: KRS 323.210

NECESSITY, FUNCTION, AND CONFORMITY: **KRS 323.210(2) authorizes the board to promulgate administrative regulations necessary to carry out the purposes of KRS Chapter 323. This administrative regulation establishes standards to safeguard the public against misrepresentations and requires projects meet the requirements of governmental agencies**~~**[To define minimum standards of documents prepared by architects].**~~

**Section 1. Standards Required.**

(1) All plans and specifications and other documents prepared for use within the Commonwealth of Kentucky shall be of a standard sufficient to safeguard the public against misrepresentations and shall show and describe all essential parts of the design, details, and materials necessary.

(2) Each project ~~**shall**~~**[must]** meet the requirements of the city, county, state, and federal agencies having jurisdiction, including, **agencies such as**~~**[but not limited to]**~~, the following:

- (a) Department of Housing, Buildings and Construction;~~**[-]**~~
- (b) **Local** City and County Building Departments;~~**[-]**~~
- (c) **Local** County Health Departments, and the **Kentucky** Department for Human **Resource Administration**~~**[Resources]**~~~~**[-]**~~
- (d) **Local** Department of Education (For tax supported schools, grades 1 - 12);~~**[-]**~~
- (e) **Kentucky**~~**[Bureau of Environmental Quality]**~~ Department for ~~**[Natural Resources and]**~~ Environmental Protection (if impoundment, diversion, or pollution is involved); ~~**and**~~~~**[-]**~~
- (f) **Kentucky Energy and Environment Cabinet** Division **for Air Quality**~~**[of Air Pollution, Department for Natural Resources and Environmental Protection]**~~.

CONTACT PERSON: Cordelia Harbut, Executive Director, Kentucky Board of Architects, 155 E Main Street, Suite 300, Lexington, Kentucky 40507, phone (859) 246-2069, fax (859) 346-2431, email [boa.irc@ky.gov](mailto:boa.irc@ky.gov).

Final 12-9-2020

**SUGGESTED SUBSTITUTE**

**BOARDS AND COMMISSIONS  
Board of Architects**

**201 KAR 19:275. Use of title "architect".**

RELATES TO: KRS 323.010, 323.230

STATUTORY AUTHORITY: KRS 323.210

NECESSITY, FUNCTION, AND CONFORMITY: **KRS 323.210(2) authorizes the board to promulgate administrative regulations necessary to carry out the purposes of KRS Chapter 323. This administrative regulation establishes requirements that relate[Relates] to the use of the title of "Architect."**

Section 1. Individuals only are Licensed. Registration is of individuals only. No corporation, association, or partnership may be registered as **an architect[such]**. The word "architect" may be used to apply only to the names of individuals registered under the provisions of KRS Chapter 323.

CONTACT PERSON: Cordelia Harbut, Executive Director, Kentucky Board of Architects, 155 E Main Street, Suite 300, Lexington, Kentucky 40507, phone (859) 246-2069, fax (859) 346-2431, email [boa.irc@ky.gov](mailto:boa.irc@ky.gov).



Final 12-9-2020

**SUGGESTED SUBSTITUTE**

**BOARDS AND COMMISSIONS  
Kentucky Board of Architects**

**201 KAR 19:410. Accredited schools and colleges for certified interior designers.**

RELATES TO: KRS 323.406(1), 323.408, 323.410

STATUTORY AUTHORITY: KRS 323.210(2), 323.406

NECESSITY, FUNCTION, AND CONFORMITY: **KRS 323.210(2) authorizes the board to promulgate administrative regulations necessary to carry out the purposes of KRS Chapter 323.** KRS 323.406(1) authorizes the board to **promulgate administrative regulations to** establish educational criteria for those persons seeking certification as a certified interior designer. This administrative regulation establishes the list of programs from which degrees and education meet the criteria for certification.

Section 1. Definitions.

- (1) "Board" is defined **by/at** KRS 323.010(1) and 323.400(1).
- (2) "CIDA" means the Council for Interior Design Certification which was formerly known as the Foundation for Interior Design Education Research (FIDER).
- (3) "NAAB" means the National Architectural Accrediting Board.

Section 2. (1) Schools and colleges of interior design that have professional degree programs accredited by CIDA or NAAB shall constitute the list of accredited programs.

(2) Education from a program of study on interior design other than a **CIDA[CITA]** or NAAB accredited degree program shall be obtained from a school accredited by a regional accrediting agency recognized by the U.S. Department of Education.

CONTACT PERSON: Cordelia Harbut, Executive Director, Kentucky Board of Architects, 155 E Main Street, Suite 300, Lexington, Kentucky 40507, phone (859) 246-2069, fax (859) 346-2431, email [boa.irc@ky.gov](mailto:boa.irc@ky.gov).

Final 12-11-2020

**SUGGESTED SUBSTITUTE**

**BOARDS AND COMMISSIONS  
Kentucky Board of Architects**

**201 KAR 19:415. Application for certification as an interior designer.**

RELATES TO: KRS 323.400, 323.408(4), 323.410

STATUTORY AUTHORITY: KRS 323.210(2), 323.406

NECESSITY, FUNCTION, AND CONFORMITY: **KRS 323.210(2) authorizes the board to promulgate administrative regulations necessary to carry out the purposes of KRS Chapter 323.** KRS 323.406 authorizes the board to promulgate administrative regulations necessary to implement KRS 323.400 to 323.416. This administrative regulation establishes the procedures for the filing and processing of an application for certification as an interior designer.

Section 1. Application for Certification. Each applicant shall:

- (1) Submit a **notarized Application for [Certified] Interior Designer Certification with a two (2) inch by two (2) inch passport photo[Design Application Form, 1-03];**
- (2) Comply with the requirements of KRS 323.400 through 323.416 and **201 KAR Chapter 19[the administrative regulations promulgated by the board];** and
- (3) Submit **applicable initial application and certification** fees **as** established in 201 KAR 19:440.

Section 2. Incorporation by Reference. (1) "Application for Interior Designer Certification", **November 2020[July 2019]** Edition is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Architects, 155 East Main Street, Suite 300, Lexington, Kentucky 40507, Monday through Friday, 8 a.m. to 4 p.m.

CONTACT PERSON: Cordelia Harbut, Executive Director, Kentucky Board of Architects, 155 E Main Street, Suite 300, Lexington, Kentucky 40507, phone (859) 246-2069, fax (859) 346-2431, email [boa.irc@ky.gov](mailto:boa.irc@ky.gov).

**MATERIAL INCORPORATED BY REFERENCE**

The agency needs to file **one (1) clean copy** of the "Application for Interior Designer Certification" at the time that it files this staff suggested amendment that:

- Updates edition date to November 2020
- Corrects the title of the board to the "Kentucky Board of Architects" rather than the "Kentucky Board of Architects and Certified Interior Designers" for consistency with the name of the board as established in KRS 323.400(1).

201 KAR 19:415  
As Am @ ARRS,  
1/2021

# Kentucky Board of Architects



## APPLICATION FOR INTERIOR DESIGNER CERTIFICATION

Thank you for your interest in becoming a Kentucky Certified Interior Designer. Processing time for submitted applications is contingent upon receipt of all required documentation and fees. Submission of your application packet without proper documentation or required fees may result in processing delays. Please read the following instructions carefully to ensure you have complied with all requirements.

### APPLICATION METHOD *(Required)*

Select one of the following options:

- ☐ (Method I) CIDA/NAAB Accredited Professional Degree & CIDQ Certificate
- ☐ (Method II) NON-CIDA/NAAB Accredited Professional Degree & CIDQ Certificate
- ☐ (Method III) Licensed Kentucky Architect
- ☐ (Method IV) Reciprocity *(certification for persons licensed or registered as an Interior Designer in other jurisdictions)*

### CONTACT INFORMATION *(Required)*

Applicant Name: \_\_\_\_\_  
Last First Middle

Business Address/Firm Name: \_\_\_\_\_

Street: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

Home Address: Street: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

Preferred communication via: ☐ BUSINESS ☐ HOME

### DEMOGRAPHICS *(Required)*

Birth Date: \_\_\_\_\_ Birth Place: \_\_\_\_\_

Social Security Number: \_\_\_\_\_

### PROFESSIONAL REFERENCES *(Required)*

Provide three (3) professional references:

Name: \_\_\_\_\_

Email: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

City: \_\_\_\_\_

\_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

# Kentucky Board of Architects

## & Certified Interior Designers



### APPLICATION FOR INTERIOR DESIGNER CERTIFICATION

City: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

\_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_

\_\_\_\_\_

Name: \_\_\_\_\_

Email: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

City: \_\_\_\_\_

\_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_

\_\_\_\_\_

#### Section 1: EDUCATION *(Required for Method I & Method II, CIDA/NAAB & NON-CIDA/NAAB applicants only)*

Name of Institution: \_\_\_\_\_

Degree Obtained: \_\_\_\_\_

Date Obtained: \_\_\_\_\_

#### Section 2: NCIDQ EXAMINATION *(Required for Method I & Method II, CIDA/NAAB & NON-CIDA/NAAB applicants only)*

Has the applicant successfully taken and passed the NCIDQ examination? ☐ YES ☐ NO

Date Passed: \_\_\_\_\_

Certification Number: \_\_\_\_\_

#### Section 3: Experience Obtained *(Required for Method I & Method II, CIDA/NAAB & NON-CIDA/NAAB applicants only)*

Under which of the following Professionals did you obtain your experience? *(Minimum of 2 years required)*

☐ CIDQ Certificate Holder

☐ Licensed Architect

☐ Interior Designer Licensed/Registered/Certified by another Jurisdiction/Regulatory Agency

Name of Professional: \_\_\_\_\_

Address: \_\_\_\_\_

Street: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

Number of years/months employed or working under the individual listed above: \_\_\_\_\_

# Kentucky Board of Architects & Certified Interior Designers



## APPLICATION FOR INTERIOR DESIGNER CERTIFICATION

### Section 4: NON-CIDA/NAAB Accredited Degree (Required for Method II, NON-CIDA/NAAB applicants only)

Select one of the following options:

- ☐ 5 years of education & 2 years of experience\*  
(150 semester hours, 90 interior design related OR 225 quarter credits, 135 interior design related)
- ☐ 4 years of education & 3 years of experience\*  
(120 semester hours, 60 interior design related OR 180 quarter credits, 90 interior design related)
- ☐ 3 years of education & 4 years of experience\*  
(60 semester hours OR 90 quarter credits)
- ☐ 2 years of education & 5 years of experience\*  
(40 semester hours OR 60 quarter credits)

*\*Years of Experience defined as "an individual who has worked under the direct supervision of a CIDQ certificate holder, licensed architect, or interior designer who is licensed/certified/registered in another state."*

### Section 5: Licensed Architect (Required for Method III, Licensed Architect applicants only)

#### Statement

***I am currently a licensed architect in the State of Kentucky.***

Date of Initial Registration: \_\_\_\_\_

Kentucky License Number: \_\_\_\_\_

### Section 6: Reciprocity (Required for Method IV, Reciprocity applicants only)

#### Statement

***I am currently a licensed or registered Certified Interior Designer in another jurisdiction.***

State of Registration: \_\_\_\_\_

Date of Initial Registration: \_\_\_\_\_

License/Registration/Certification Number: \_\_\_\_\_

APPLICATION FEE SCHEDULE			
	*INITIAL APPLICATION	CERTIFICATION	ANNUAL RENEWAL
Method I	\$100	\$250	\$200
Method II	\$100	\$250	\$200
Method III	N/A	\$150	\$200
Method IV	\$100	\$400	\$200

\*Please send only the Initial Application fee with the application. The Certification fee will be required after your application is approved.

# Kentucky Board of Architects & Certified Interior Designers



## APPLICATION FOR INTERIOR DESIGNER CERTIFICATION

### AFFIDAVIT & NOTARIZATION (Required)

*The undersigned, being duly sworn, upon his or her oath deposes and says that he or she is the person making the foregoing statements and that they are made in good faith and are true in every respect.*

X

Applicant's Signature

State of: \_\_\_\_\_

County of: \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public in and for said County, in the State

*aforesaid, DO HEREBY CERTIFY that \_\_\_\_\_ personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he or she signed, sealed, and delivered the said instrument as his or her free and voluntary act, for the uses and purposes therein set forth.*

Given under my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

X

Notary Public's Signature

MY COMMISSION EXPIRES \_\_\_\_\_

NOTARIAL SEAL

AFFIX YOUR  
PHOTO HERE

Final 12-15-2020

## SUGGESTED SUBSTITUTE

### BOARDS AND COMMISSIONS Kentucky Board of Architects

#### 201 KAR 19:420. Qualifications for certification.

RELATES TO: KRS 323.010, 323.400, 323.406(1), 323.408, 323.410(1), (3)~~[-(4)]~~

STATUTORY AUTHORITY: KRS 323.210(2), 323.406(1), 323.410

NECESSITY, FUNCTION, AND CONFORMITY: KRS 323.210(2) authorizes the board to promulgate administrative regulations necessary to carry out the purposes of KRS Chapter 323. KRS 323.406(1) authorizes the board to establish criteria of education, experience, and testing for those persons seeking certification as a certified interior designer that are reasonable and necessary. KRS 323.410(1)(c) requires the board issue a certificate as a certified interior designer to persons who meet the standards of education, experience, and testing established by the board. This administrative regulation establishes the requirements for obtaining certification as a certified interior designer.

#### Section 1. Definitions.

- (1) "Board" is defined by/at KRS 323.010(1) and 323.400(1).
- (2) "CIDA" means the Council for Interior Design Certification which was formerly known as the Foundation for Interior Design Education Research (FIDER).
- (3) "NAAB" means the National Architectural Accrediting Board.

#### Section 2. Accredited Degrees.

- (1) The board shall determine if an applicant's education and experience in the field of interior design are sufficient to establish eligibility for certification.
- (2) The board shall certify an applicant who has obtained:
  - (a) A four (4) or five (5) year professional accredited degree;
  - (b) At least two (2) years of acceptable full-time employment in the performance of interior design services, in accordance with Section 3 of this administrative regulation; and
  - (c) A passing score on the NCIDQ examination.

#### Section 3. Degrees from Programs Not Accredited by CIDA or NAAB.

(1)(a) In lieu of the education and experience requirements of Section 2[4](2)(a) and (b) of this administrative regulation, the board may find/deem an applicant eligible for certification if, prior to January 1, 2012, the applicant:

1. Has received a degree from a program not accredited by CIDA or NAAB; and
2. Otherwise meets the requirements of this section.

(b) An applicant seeking to qualify under this section shall obtain a passing score on the NCIDQ examination.

(2) To qualify under this section, the applicant shall be a graduate of a nonaccredited program of:

(a) Five (5) years or more which included at least 150 semester credits, of which ninety (90) or more are interior design related, or 225 quarter credits, of which 135 or more are interior design related, and who has completed at least two (2) years of acceptable interior design experience;

(b) Four (4) years or more which included at least 120 semester credits, of which sixty (60) or more are interior design related, or 180 quarter credits, of which ninety (90) or more are interior

design related, and who has completed at least three (3) years of acceptable interior design experience;

(c) Three (3) years or more which included at least sixty (60) semester credits of interior design related coursework, or ninety (90) quarter credits of interior design related coursework, and who has completed at least four (4) years of acceptable interior design experience; or

(d) Two (2) years or more which included at least forty (40) semester credits of interior design related coursework, or sixty (60) quarter credits of interior design related coursework, and who has completed five (5) years of acceptable interior design experience.

(3) The experience required by subsection (2) of this section shall meet the criteria established in this section ~~[3 of this administrative regulation]~~.

Section 4. (1) Full-time employment shall include at least thirty-five (35) hours per week in the performance of interior design services.

(2) To be **[deemed]** acceptable, experience shall be obtained under the supervision of:

(a) An interior designer who has passed the NCIDQ examination;

(b) A licensed architect; or

(c) An interior designer who is licensed, certified, or registered by a state or provincial regulatory agency.

Section 5. The board shall certify any architect licensed in the Commonwealth of Kentucky upon application and payment of the fee prescribed in 201 KAR 19:440, Section 1(3).

CONTACT PERSON: Cordelia Harbut, Executive Director, Kentucky Board of Architects, 155 E Main Street, Suite 300, Lexington, Kentucky 40507, phone (859) 246-2069, fax (859) 346-2431, email [boa.irc@ky.gov](mailto:boa.irc@ky.gov).



Final 12-15-2020

**SUGGESTED SUBSTITUTE**

**BOARDS AND COMMISSIONS  
Kentucky Board of Architects**

**201 KAR 19:425. ~~[Limited period of]~~ Certification under education and~~[by prior]~~ experience criteria.**

RELATES TO: KRS 323.400, 323.410

STATUTORY AUTHORITY: KRS 323.210(2), 323.406(1), (3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 323.210(2) authorizes the board to promulgate administrative regulations necessary to carry out the purposes of KRS Chapter 323. KRS 323.406(1) and (3) authorize the board to promulgate administrative regulations to establish criteria for education and experience~~[KRS 323.410(3) provides that for a period of two (2) years after July 15, 2002, the board may issue a certificate as a certified interior designer to persons who meet the alternative criteria identified in that statutory provision]~~. This administrative regulation establishes the experience and education criteria for qualifying under KRS 323.406(1)~~[323.410(3)]~~.

Section 1. (1) An applicant who seeks to qualify for certification under the ~~[alternative]~~ criteria of KRS 323.410(3) shall meet the statutory requirements of education and experience of KRS 323.406(1)~~[323.410]~~.

(2) The board shall evaluate experience as follows:

- (a) 1600 hours of full-time employment equals one (1) year of experience.
- (b) A minimum of thirty-five (35) hours per week is considered full-time employment.
- (c) Experience shall be demonstrated in at least five (5) of the following nine (9) categories:
  - 1. Analysis of a client's needs, goals, and life safety requirements for the interior space of a structure;
  - 2. Integration of findings with knowledge of interior design;
  - 3. Formulation of preliminary design concepts that are appropriate, functional, and aesthetic;
  - 4. Development and presentation of final design recommendations through presentation media;
  - 5. Preparation of working drawings and specifications for nonloadbearing interior construction, materials, finishes, space planning, furnishings, fixtures, and equipment;
  - 6. Collaboration with professional services of other licensed practitioners in the technical areas of mechanical, electrical, and load-bearing design required for regulatory approval;
  - 7. Preparation and administration of bids and contract documents as the client's agent;
  - 8. Review and evaluation of design solutions during implementation and upon completion; and
  - 9. Teaching full time in an interior design program accredited by the U.S. Department of Education.

(3) One (1) year of interior design education shall be documented by the successful completion of a minimum of either:

- (a) Twenty (20) semester hours of interior design related coursework; or
- (b) Thirty (30) quarter credits of interior design related coursework.

CONTACT PERSON: Cordelia Harbut, Executive Director, Kentucky Board of Architects, 155 E Main Street, Suite 300, Lexington, Kentucky 40507, phone (859) 246-2069, fax (859) 346-2431, email [boa.irc@ky.gov](mailto:boa.irc@ky.gov).

Final 12-15-2020

## SUGGESTED SUBSTITUTE

### BOARDS AND COMMISSIONS Kentucky Board of Architects

**201 KAR 19:430. Certification by persons credentialed in other jurisdictions.**

RELATES TO: KRS 323.400, ~~323.402[232.402]~~, 323.408, 323.410

STATUTORY AUTHORITY: KRS 323.210(2), 323.406(1)

NECESSITY, FUNCTION, AND CONFORMITY: **KRS 323.210(2) authorizes the board to promulgate administrative regulations necessary to carry out the purposes of KRS Chapter 323. KRS 323.406(1) authorizes the board to promulgate administrative regulations that establish criteria of education, experience, and testing for those persons seeking certification as an interior designer.** KRS 323.410~~(3)[(4)]~~ requires the board to issue a certificate to a person credentialed as an interior designer under the laws of other jurisdictions **subject to the criteria imposed by KRS 323.410(1).** This administrative regulation establishes the requirements for obtaining certification under the conditions identified in KRS 323.410~~(3)[(4)]~~.

Section 1. An interior designer credentialed in another jurisdiction shall obtain certification in Kentucky before using the title "Certified Interior Designer", in this jurisdiction, in accordance with KRS ~~323.402[232.402]~~.

Section 2. An applicant credentialed as an interior designer in another jurisdiction shall provide documentation demonstrating that the standards for certification in the jurisdiction of **the applicant's[their]** original certification met the requirements of KRS 323.410(1) and 201 KAR 19:420 at the time of the certification.

CONTACT PERSON: Cordelia Harbut, Executive Director, Kentucky Board of Architects, 155 E Main Street, Suite 300, Lexington, Kentucky 40507, phone (859) 246-2069, fax (859) 346-2431, email [boa.irc@ky.gov](mailto:boa.irc@ky.gov).

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

At the time that the agency files this staff suggested amendment, the agency needs to file **one (1)** clean copy of a corrected RIA paginated as pages 5-6 that:

- Corrects statutory citations to KRS 323.410(4) to KRS 323.410~~(3)~~ because the statute was amended in 2008 and the subsections were renumbered
- Updates regulatory citation to 201 KAR 19:315 to 201 KAR 19:420

## FISCAL NOTE

At the time that the agency files this staff suggested amendment, the agency needs to file **one (1)** clean copy of a corrected Fiscal Note paginated as page 7 that:

- Corrects statutory citation to KRS 323.410(4) to KRS 323.410~~(3)~~

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT  
201 KAR: 19:430

Contact Person: Cordelia Harbut, phone: (859) 246-2069, email: Cordelia.Harbut@ky.gov

(1) Provide a brief summary of:

- (a) What this administrative regulation does: This administrative regulation establishes the requirements for obtaining certification under the conditions identified in KRS 323.410(3) as reciprocity.
- (b) The necessity of this administrative regulation: This administrative regulation is necessary to define the specific requirements of an alternative path to Interior Design Certification.
- (c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 323.410(3) requires the board to issue a certificate to a person credentialed as an interior designer under the laws of other jurisdictions.
- (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation provides the application process to become a Certified Interior Designer by reciprocity.

(2) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Interior Designers, approximately 10 annually.

(3) Provide an analysis of how the entities identified in question (2) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

- (a) List the actions that each of the regulated entities identified in question (2) will have to take to comply with this administrative regulation or amendment: Each applicant credentialed as an interior designer in another jurisdiction shall provide documentation demonstrating that the standards for certification in the jurisdiction of their original certification met the requirements of KRS 323.410(1) and 201 KAR 19:420 at the time of the certification.
- (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (2): The fee for initial certification, including a certificate, shall be \$250.
- (c) As a result of compliance, what benefits will accrue to the entities identified in question (2): The entities credentials shall be reviewed to determine their qualification for certification as a certified interior designer in Kentucky.

(4) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

- (a) Initially: No new cost will be incurred.
- (b) On a continuing basis: No new cost will be incurred.

(5) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Board is a self-supporting agency and receives no general fund tax appropriation. It is funded entirely through fees assessed for regulating its professionals.

(6) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees is required to implement this regulation.

(7) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.

(8) TIERING: Is tiering applied? (Explain why tiering was or was not used) No tiering was not applied as the regulation is applicable to all.

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

201 KAR 19:430

Contact Person: Cordelia Harbut, phone: (859) 246-2069, email: cordelia.harbut@ky.gov

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This administrative regulation impacts Interior Designers applying to the Kentucky Board of Architects to become certified by outlining requirements for obtaining certification under the conditions identified in KRS 323.410(3) which outlines an alternative path to certification by reciprocity.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 323.210(2), and 323.406(1) authorizes the action taken by this administrative regulation.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. This administrative regulation does not directly affect expenditures or revenues.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue will be generated with this administrative regulation in the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No revenue will be generated with this administrative regulation in subsequent years.

(c) How much will it cost to administer this program for the first year? The administrative regulation does not result in additional cost the first year.

(d) How much will it cost to administer this program for subsequent years? The administrative regulation does not result in additional cost for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

Final 12-17-2020

SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS  
Kentucky Board of Architects

201 KAR 19:435. Certification renewal.

RELATES TO: KRS 323.400, 323.406, 323.416

STATUTORY AUTHORITY: KRS 323.210(2), 323.406(3), 323.416

NECESSITY, FUNCTION, AND CONFORMITY: KRS 323.210(2) authorizes the board to promulgate administrative regulations necessary to carry out the purposes of KRS Chapter 323. KRS 323.406(3) authorizes the board to promulgate administrative regulations to establish a renewal process for certifications that have expired. KRS 323.416 requires the board to establish forms upon which applicants for renewal may demonstrate completion of the renewal requirements. This administrative regulation establishes the process for renewing a certification.

Section 1. Certification Renewal. (1)(a) A certificate holder shall renew a certificate before October 1 of each calendar year.

(b) A certificate issued between April 1 and September 30 shall not require renewal until October 1 of the following year.

(2) A certificate holder seeking renewal shall submit:

(a) A completed Certification Renewal Application Form, incorporated in 201 KAR 19:445, Section ~~6[7]~~(1); and

(b) The appropriate renewal fee established in 201 KAR 19:~~435~~440.

(3)(a) During a period of active military duty, a certified interior designer in military service may, upon written request[application] to the board, be excused from paying the renewal fee until his or her active military service is terminated.

(b) The board shall issue a renewal certificate upon:

1. Notification of the applicant's return from active duty; and
2. Payment of the renewal fee for the then-current renewal cycle.

(4) The board shall revoke the certificate of a holder who has:

(a) Failed to pay the renewal fee on or before the 30th of November of the renewal period; and

(b) Not requested that his or her certification be placed on inactive status.

(5) A certified interior designer whose certificate has been revoked for failure to pay the renewal fee shall:

(a) Submit a completed application for reinstatement of certification on the Reactivation of Kentucky Certificate form;

(b) Pay the fees for all outstanding renewal periods occurring since the certificate was revoked, including the renewal period for which the certificate was revoked;

(c) ~~[Pay the reinstatement fees prescribed by 201 KAR 19:440, Section 1(6);~~

~~—(d)]~~ Make a written statement of the reason he or she did not:

1. Place his or her certificate on inactive status; or
2. Pay the renewal fee within the time prescribed; and

(d)](e)] Include a signed affidavit that the certificate holder has not been in violation of the requirements of KRS 323.400 through 323.416 or 201 KAR Chapter 19~~;~~ and

~~—(f) File an Interior Design Continuing Education Annual Report Form, incorporated in 201 KAR 19:440].~~



Section 2. Inactive Status.

- (1) The board shall grant inactive status to a certificate holder who:  
~~— (a)] requests inactive status[; and~~  
~~— (b) Pays the fee required by 201 KAR 19:440, Section 1(7)].~~
- (2) While on inactive status, the certificate holder shall not use the title "Certified Interior Designer".
- (3) A certificate holder on inactive status who seeks to become reactivated shall complete at least twelve (12) hours of continuing education, in compliance with 201 KAR 19:445 for each year the certificate has been inactive.
- (4) A certificate holder who has been on inactive status for more than seven (7) consecutive years, and who seeks reactivation, shall pass the NCIDQ examination.

**Section 3. Incorporation by Reference. (1) "Reactivation of Kentucky Certificate", November 2020 Edition, is incorporated by reference.**

**(2) This material may be inspected, copied, or obtained, subject to applicable copy-right law, at the Kentucky Board of Architects, 155 East Main Street, Suite 300, Lexington, Kentucky 40507, Monday through Friday 8 a.m. to 4 p.m.**

CONTACT PERSON: Cordelia Harbut, Executive Director, Kentucky Board of Architects, 155 E Main Street, Suite 300, Lexington, Kentucky 40507, phone (859) 246-2069, fax (859) 346-2431, email [boa.irc@ky.gov](mailto:boa.irc@ky.gov).

**MATERIAL INCORPORATED BY REFERENCE**

The agency needs to file one (1) clean copy of the "Reactivation of Kentucky Certificate" with the November 2020 Edition Date at the time that it files this staff suggested amendment.

201 KAR 19:435  
As Am @ ARRS,  
1/2021

## KENTUCKY BOARD OF ARCHITECTS

### TO REACTIVATE YOUR KENTUCKY INTERIOR DESIGN CERTIFICATION

READ CAREFULLY

To reactivate your Kentucky Certification for Interior Designer, please provide the following completed items to the Kentucky Board of Architects:

You are currently required to prepare a letter, signed and dated, requesting the reinstatement of your certificate to qualify as a certified interior designer in the Commonwealth of Kentucky. The letter must contain your full name and former Kentucky certificate number. A copy of a reactivation request letter is attached for your use and assistance. Complete the request letter, sign and date it and return with the required continuing education report document.

Additionally, you must submit the following fee and attached forms:

1. Current FY \_\_\_\_\_ renewal fee: \$ \_\_\_\_\_
2. Annual renewal fees from date of revocation or suspension (10/1/\_\_\_\_-9/30/\_\_\_\_) \$ \_\_\_\_\_
3. Total amount due (equals the amounts for 1. and 2. above).  
Make check payable to the Kentucky State Treasurer in the amount of \$ \_\_\_\_\_
4. Complete the forms, signing and dating each accompanied by check as noted and return to:

Kentucky Board of Architects  
155 East Main Street, Suite 300  
Lexington, KY 40507





Date \_\_\_\_\_

Kentucky Board of Architects  
155 East Main Street, Suite 300  
Lexington, KY 40507

**RE: Reactivation of Kentucky Certificate**

Dear Board:

By this letter I am requesting reactivation of my certification as a Kentucky Certified Interior Designer from an inactive status. I did not surrender my certification nor was it administratively revoked for non-renewal, but have maintained my status as an inactive Certified Interior Designer.

The following information is provided for your records:

FULL NAME: \_\_\_\_\_  
(In the order Indicated) Last Name First Middle Maiden

LAST FOUR DIGITS OF MY SOCIAL SECURITY NUMBER: \_\_\_\_\_

ADDRESS (Home): \_\_\_\_\_

Telephone: \_\_\_\_\_ Cellular: \_\_\_\_\_

COMPANY NAME: \_\_\_\_\_

ADDRESS (Business): \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

IDENTIFY THE ADDRESS YOU WISH THE BOARD TO USE IN ALL CORRESPONDENCE

Check only one: ☐ Home ☐ Business

EMAIL ADDRESS: \_\_\_\_\_

MY KENTUCKY CERTIFICATE NUMBER (currently inactive): \_\_\_\_\_

MY NATIONAL COUNCIL FOR INTERIOR DESIGN QUALIFICATION (NCIDQ)

CERTIFICATE NO: \_\_\_\_\_ if applicable

NCIDQ Certificate is ☐ Active ☐ Inactive ☐ Non-Applicable (check only one)

MY ACTIVE KENTUCKY ARCHITECT LICENSE NUMBER \_\_\_\_\_ if applicable

**KENTUCKY BOARD OF ARCHITECTS**  
**CONTINUING EDUCATION**

CONTINUING EDUCATION CERTIFICATION: In accordance with the requirements of 201 KAR 19:445, I certify that I have completed at least twelve (12) hours of continuing professional development units during the period beginning October 1 and ending September 30 of the following year, including a minimum of 8 structured activities in health, safety and welfare related activities. These continuing education activities are reported herein below, unless exempted as indicated below. In any case, I understand I am required to keep my continuing education records for a minimum of two years and that I may be subject to an audit during that period by this Board. I further understand that failure to comply may result in a civil penalty, reactivation and/or renewal denial, suspension or revocation of my certificate.

☐ Yes      ☐ No

***Or that I have met these requirements based on one of the following exemptions:***

☐ I am exempt as a current registered Kentucky architect having certified I have met the continuing professional development requirements for the current year of my architect license renewal.

Kentucky Architect Registration# \_\_\_\_\_

☐ I am exempt as a current registrant of another jurisdiction having continuing professional development requirements and accepting registrants meeting Kentucky's continuing professional development requirements. I certify that I have met the current professional development requirements of that jurisdiction, as follows:

Applicable Jurisdiction: \_\_\_\_\_  
*List Applicable State Jurisdiction*

Registration# \_\_\_\_\_  
*List Applicable Certificate/License No.*

FULL NAME: \_\_\_\_\_

(In the order indicated)

Last Name

First

Middle

Maiden

## REACTIVATION AFFIDAVIT

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_ being duly sworn, do hereby depose and swear:

2. that I have in no way represented myself as a Kentucky Certified Interior Designer (KYCID or CID) during the period for which I was not actively certified as a Kentucky interior designer;
3. that I have not used the title "certified interior designer" while actually performing or providing any interior design services on any project in Kentucky following the date of placing my certificate in the inactive status as a Kentucky Certified Interior Designer;
4. that I have not violated any applicable provisions of the certificate statutes of the Kentucky Revised Statutes Chapter 323 and 201 Kentucky Administrative Regulations Chapter 19.
5. that since my certificate was placed in inactive status in Kentucky I have not been disciplined by nor am I under investigation by any occupational licensing board nor has my certification and/or license been denied, suspended or revoked by any other occupational licensing board,
6. that I have not been convicted of or pleaded nolo contendere (no contest) to a felony, and;
7. that the information provided herein and above is accurate.

Date \_\_\_\_\_

Signature of applicant and date required to certify above information

SUBSCRIBED and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

My Commission Expires: \_\_\_\_\_

Notary Public Signature \_\_\_\_\_

Applicant: \_\_\_\_\_ Original KY Certificate No. \_\_\_\_\_

## CONTINUING EDUCATION REPORT FORM

**12 PDUs MINIMUM**

PDU'S MUST BE OBTAINED AFTER OCTOBER 1 AND  
ENDING SEPTEMBER 30, OF THE PREVIOUS YEAR.  
DO NOT SEND ATTACHMENTS

STRUCTURED EDUCATIONAL ACTIVITIES IN HEALTH, SAFETY & WELFARE SUBJECTS (HSW)			
DATE	DESCRIPTION/TITLE	INSTRUCTOR/SPONSOR/LOCATION	8 PDUS MIN.
<b>TOTAL HSW</b>			

SELF-DIRECTED ACTIVITIES IN PUBLIC PROTECTION (NON-HSW) OR RELATED PRACTICE SUBJECTS			
DATE	DESCRIPTION/TITLE	INSTRUCTOR/SPONSOR/LOCATION	4 PDUs MAX
<b>TOTAL NON-HSW</b>			

Final 12-16-2020

**SUGGESTED SUBSTITUTE**

**BOARDS AND COMMISSIONS  
Kentucky Board of Architects**

**201 KAR 19:440. Fees for certification of interior designers.**

RELATES TO: KRS 323.400-323.416

STATUTORY AUTHORITY: KRS 323.210(2), 323.406(2)

NECESSITY, FUNCTION, AND CONFORMITY: **KRS 323.210(2) authorizes the board to promulgate administrative regulations necessary to carry out the purposes of KRS Chapter 323.** KRS 323.406(2) authorizes the board to promulgate administrative regulations to establish an initial certification fee and a renewal fee for certified interior designers. KRS 323.416(1) requires the board to establish forms upon which applicants for renewal may demonstrate completion of the renewal requirements. This administrative regulation establishes the fees related to certified interior designers.

**Section 1. Fee Schedule.**

- (1) The initial certification application fee for a qualified person, not a licensed architect, shall be \$100.
- (2) The fee for initial certification, including a certificate, shall be \$250.
- (3) The fee for initial certification for a licensed architect, including a certificate, shall be \$150.
- (4) ~~[The initial certification application fee for a person subject to 201 KAR 19:430 as an interior designer credentialed in another jurisdiction, including a certificate, shall be \$400.~~
- ~~—(5) The fee for certification renewal shall be \$200.~~
- ~~[(6) The fee for application for reinstatement of certificate that has been revoked for failure to pay the renewal fee or that has been suspended by the board under KRS 323.412 shall be \$150 plus all renewal fees from date of revocation or suspension.~~
- ~~—(7) The annual fee for inactive status shall be twenty-five (25) dollars.~~
- ~~—(8) The fee to reactivate an inactive certificate shall be \$150.~~
- ~~—(9) The fee for a duplicate certificate shall be twenty-five (25) dollars.]~~

Section 2. (1) Each payment shall be by check made payable to "Kentucky State Treasurer".

(2) Fees shall not be refundable.

CONTACT PERSON: Cordelia Harbut, Executive Director, Kentucky Board of Architects, 155 E Main Street, Suite 300, Lexington, Kentucky 40507, phone (859) 246-2069, fax (859) 346-2431, email [boa.irc@ky.gov](mailto:boa.irc@ky.gov).

**FISCAL NOTE**

- The agency needs to file one (1) corrected copy of the Fiscal note paginated as page 7 at the time it files this staff suggested amendment that:
  - Corrects where the agency incorrectly identified the Kentucky Certified Interior Designers as part of state or local government affected by the regulation. There is no independent body related to certified interior designers, they are under the Board of Architects.

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

201 KAR 19:440

Contact Person: Cordelia Harbut, phone: (859) 246-2069, email: cordelia.harbut@ky.gov

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This administrative regulation will impact the Kentucky Board of Architects.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 323.210(2), and 323.406(2) authorizes the action taken by this administrative regulation.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. This administrative regulation is expected to generate \$30,000 in revenue and \$28,000 in expenses to administer the program.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation is expected to generate approximately \$30,000 in revenue the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation is expected to generate approximately \$30,000 in subsequent years.

(c) How much will it cost to administer this program for the first year? This administrative regulation is expected to cost \$28,000 in expenses to administer the program.

(d) How much will it cost to administer this program for subsequent years? This administrative regulation is expected to cost \$28,000 in expenses to administer the program.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

Final 12/16/2020

**SUGGESTED SUBSTITUTE**

**BOARDS AND COMMISSIONS  
Kentucky Board of Architects**

**201 KAR 19:445. Continuing education.**

RELATES TO: KRS 323.400-323.416

STATUTORY AUTHORITY: KRS 323.210(2), **323.416**

NECESSITY, FUNCTION, AND CONFORMITY: **KRS 323.210(2) authorizes the board to promulgate administrative regulations necessary to carry out the purposes of KRS Chapter 323.** KRS 323.416(1) requires certificate holders to meet continuing education requirements in order to renew certification. KRS 323.416(2) mandates certain topics to be covered. This administrative regulation establishes the requirements for continuing education.

Section 1. Definitions. (1) "Elective topic" means a topic that is related to interior design.

(2) "Professional development unit" or "PDU" means a:

(a) Unit equal to fifty (50) minutes clock time for classroom education; or

(b) Customary time of completion prescribed by a vendor, if the board finds the time to be reasonable.

(3) "Relevant topic" means an area focused on the health, safety, and welfare of the public.

(4) "Self-directed activity" means:

(a) An unstructured self-study visit to an interior design significant site;

(b) A service to the public which uses the certified interior designer's expertise as an interior designer; or

(c) A business practice course related to new technology relevant to interior design, and, offered by a person qualified by education or experience.

(5) "Structured activity" means a relevant:

(a) College or university sponsored course;

(b) Seminar;

(c) Tutorial;

(d) Short course; or

(e) Professional or technical organization sponsored:

1. Program;

2. Course;

3. Self-study course; or

4. Monograph.

Section 2. Exemptions. An interior designer certified in Kentucky shall, in order to obtain annual certification renewal:

(1) Comply with this administrative regulation unless exempt because he or she is:

(a) A first-time certificate holder by examination or reciprocity;

(b) A civilian who serves on active duty in the United States Armed Forces for a period of time exceeding ninety (90) consecutive days during the annual report period;

(c) Certified from another jurisdiction that has a required continuing education program, if that jurisdiction accepts Kentucky requirements to satisfy its continuing education requirements and the certificate holder certifies that all requirements for current continuing education compliance and certification have been met in that jurisdiction;

(d) Is also a licensed architect who has met the requirements of 201 KAR 19:087; or



- (e) Is on inactive status.
- (2) A hardship case may be considered by the board.

### Section 3. Requirements.

- (1) A certified Kentucky interior designer shall:
  - (a) Obtain a total of twelve (12) PDU's per year, as required by KRS 323.416(1); and
  - (b) Report the PDU credits as a condition for certification renewal.
- (2) The twelve (12) hours of continuing education shall be satisfied during the period beginning October 1 and ending September 30 of the following year.
- (3) At least eight (8) PDU's shall consist of structured activities, addressing the following relevant topics:
  - (a) Codes, statutes, and administrative regulations related to the built environment;
  - (b) Environmental issues;
  - (c) Professional and ethical business practices;
  - (d) State certification law;
  - (e) Design proficiency;
  - (f) New technology, including construction:
    - 1. Material;
    - 2. Methods;
    - 3. Systems; or
    - 4. Concepts.
  - (g) Interface, other than normal day-to-day contact, with a member of another design discipline, including an:
    - 1. Architect;
    - 2. Planner;
    - 3. Consultant;
    - 4. Financier; or
    - 5. Consultant.
  - (h) Legal aspects, including:
    - 1. Contract documents;
    - 2. Insurance;
    - 3. Bonds; and
    - 4. Project administration.
  - (i) Specialization in:
    - 1. Preservation;
    - 2. Adaptive reuse; or
    - 3. A building type.
  - (j) Study or consultation opportunity.
- (4) A maximum of four (4) PDU's may consist of self-directed activities, addressing the following elective topics:
  - (a) Business or practice efficiency;
  - (b) Business development;
  - (c) Personal skills;
  - (d) New skills; or
  - (e) General education.

Section 4. Reporting and Recordkeeping. (1) A certificate holder seeking certificate renewal shall submit to the board:

- (a) A Certification Renewal Application Form, including a list of PDUs completed; and
  - (b) The renewal fee as established in 201 KAR 19:440.
- (2) An incomplete submission shall be returned to the certificate holder.



(3) The board shall review a random sample of annual reports, composed of up to ten (10) percent of the number of issued certificates, to ensure accuracy and compliance.

(4) The certificate holder shall:

- (a) Retain proof of participation in continuing education activities;
- (b) Retain a record for continuing education for a period of two (2) years from the date of submission of the annual report to the board; and
- (c) Furnish copies or continuing education records on the request of the board for audit purposes.

(5) Proof of participation in continuing education activities shall include:

- (a) A log showing the:
    - 1. Activity claimed;
    - 2. Sponsoring organization;
    - 3. Location;
    - 4. Duration; and
    - 5. Date of activity;
  - (b) An attendance certificate;
  - (c) A signed attendance receipt;
  - (d) A paid receipt;
  - (e) A list of attendees signed by a person in charge of the activity; or
  - (f) Similar documentation.
- (6) If continuing education credit is disallowed, the certificate holder shall have 180 calendar days after notification to:
- (a) Substantiate the original claim; or
  - (b) Earn other continuing education credit to meet the minimum requirements.

Section 5. Noncompliance and Sanctions. Failure to fulfill the continuing education requirements or file the required annual report, properly completed and signed, shall result in nonrenewal of the interior designer's certification.

Section 6. Incorporation by Reference. (1) "Certification Renewal Application Form", **No-**  
**vember 2020[2003]**" is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the offices of the Kentucky Board of Architects, 155 East Main Street, Suite 300, Lexington, Kentucky 40507, Monday through Friday, 8 a.m. to 4 p.m.

CONTACT PERSON: Cordelia Harbut, Executive Director, Kentucky Board of Architects, 155 E Main Street, Suite 300, Lexington, Kentucky 40507, phone (859) 246-2069, fax (859) 346-2431, email [boa.irc@ky.gov](mailto:boa.irc@ky.gov).

#### **MATERIAL INCORPORATED BY REFERENCE**

The agency needs to file one (1) clean copy of the "Certification Renewal Application Form" at the time that it files this staff suggested amendment that includes the following changes:

- Updates title on form to match exactly as it appears in Section 6(1) of the regulation
- Update citation from "201 KAR 19:350" to "201 KAR 19:455"
- Update citation from "KAR 19:330" to "201 KAR 19:440"
- Update citations from "201 KAR 19:340" to "201 KAR 19:445"
- Correct typo "statues" to "statutes"
- Correct citations to "Chapter 201" to "201 KAR Chapter 19"

- **Address Concerns relating to statutory authority to charge fees beyond initial certification and renewal fees, such as the charging of the inactive fee (as indicated on staff review form for 201 KAR 19:440)**

201 KAR 19:445  
As Am @ ARRS,  
1/2021



KENTUCKY BOARD OF ARCHITECTS  
CERTIFICATION RENEWAL APPLICATION FORM  
FISCAL YEAR \_\_\_\_\_



MAKE CHECK PAYABLE TO  
Kentucky State Treasurer,  
for other payment options contact  
the board office at BOA.IRC@KY.GOV

REMIT PAYMENT AND THIS FORM TO  
Kentucky Board of Architects 155  
East Main Street, Suite 300  
Lexington, KY 40507  
BOA.KY.GOV

YOUR KYCID NO.: \_\_\_\_\_ LAST FOUR (4) DIGITS OF YOUR SOCIAL SECURITY #: \_\_\_\_\_

NAME: Last \_\_\_\_\_ First \_\_\_\_\_ Middle \_\_\_\_\_ Suffix \_\_\_\_\_

HOME ADDRESS: Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

Home Telephone: \_\_\_\_\_ Cellular: \_\_\_\_\_

BUSINESS / FIRM NAME: \_\_\_\_\_

BUSINESS ADDRESS: Street: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

Business Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

PREFERRED CONTACT LOCATION: ☐ Home ☐ Business DATE OF BIRTH: \_\_\_\_\_

PLEASE READ CAREFULLY AND CHECK ONLY ONE BOX BELOW & INITIAL IN THE SPACE PROVIDED:

- ☐ **RENEW MY CID CERTIFICATE:** I hereby apply to renew my certified interior design certificate in the Commonwealth of Kentucky. Further I hereby certify that for the current year ending, September 30, I have not been in violation of the professional practice standards in 201 KAR 19:455. To renew my Kentucky certificate I am hereby attaching the annual renewal fee of \$200.00 with this renewal form.

Initial here: \_\_\_\_\_

- ☐ **INACTIVE STATUS:** In accordance with the provisions of KAR 19:440 I wish to place my certificate on inactive status by hereby notifying the Board by checking this block and signing in the space provided hereafter. By seeking inactive status for my certificate I acknowledge and agree that I will not further be known as a certified interior designer.

Initial here: \_\_\_\_\_

YOU MAY NOW SKIP TO BACK PAGE, ITEM #2, TO CONTINUE COMPLETION.

**1. CONTINUING EDUCATION CERTIFICATION:** In accordance with the requirements of 201 KAR 19:445, I certify that I completed at least 12 professional development units since October 1, \_\_\_\_ through September 30, \_\_\_\_, including a minimum of 8 structured activities in health, safety and welfare related activities. I understand I am required to keep my continuing education records for two years and that I am subject to an audit during that period by this Board. I further understand that failure to comply may result in a renewal denial, suspension and/or revocation of my certificate.

☐ Yes ☐ No

Or that I have met these requirements based on one of the following:

☐ I am exempt as a current registered Kentucky architect having certified I have met the continuing professional development requirements for the current year of my architect license renewal.  
Kentucky Architect Registration # \_\_\_\_\_

☐ I am exempt as a current registrant of another jurisdiction having continuing professional development requirements and accepting registrants meeting Kentucky's continuing professional development requirements. I certify that I have met the current professional development requirements of that jurisdiction, as follows:

Applicable Jurisdiction: \_\_\_\_\_ Registration # \_\_\_\_\_  
List Applicable State Jurisdiction List the Applicable State Jurisdiction License Number

☐ I am a first time certificate holder in the Commonwealth of Kentucky

☐ I am or have been a civilian serving on active duty in the United States Armed Forces for a period exceeding ninety consecutive days between October 1, \_\_\_\_ and September 30, \_\_\_\_.

Or

☐ I Have Not completed the required continuing professional development activities, as per 201 KAR 19:445 from October 1, \_\_\_\_ to September 30, \_\_\_\_ (If you select this option, please supply the Board office with a list of Completed PDU's gained thus far.)

**2. IN THE PAST YEAR HAVE YOU** been convicted of or pleaded nolo contendere (no contest) to a felony? If your answer is **YES**, a copy of the final judgment must be provided to the Board office attached to this renewal form.

☐ Yes ☐ No

**4. IN THE PAST YEAR HAVE YOU** been disciplined by any other licensing/certification board or jurisdiction? If your answer is **YES** provide additional documentation and/or explanation to this Board office attached to this renewal form.

☐ Yes ☐ No

**5. APPLICABLE FEES:**

If you checked to **RENEW MY CERTIFICATE**, your fee is:

**\$200.00**

Make check payable to the KENTUCKY STATE TREASURER in the amount as required, for debit and credit card payment options contact the board office at BOA.IRC@KY.GOV

**6. CERTIFICATION (REQUIRED)**

I certify that the information given by me on this form and any attachments is accurate and correct, and that I understand what I have been asked, and have answered truthfully. I have read and am familiar with both Chapter 323 of the Kentucky Revised Statutes (KRS 323) and 201 KAR Chapter 19 of the Kentucky Administrative Regulations.

Signature (required) \_\_\_\_\_ Date \_\_\_\_\_

Failure to complete the form or illegible entries will deter the renewal of your certificate

KRS 323 and 201 KAR are available at the Board's website: [www.boa@ky.gov](http://www.boa@ky.gov) or

<https://legislature.ky.gov/Law/Pages/default.aspx>

KY BOA Phone: (859) 246-2069

KY BOA Fax: (859) 246-2431

Certification Renewal Application Form, November 2020 Edition

Final 12-9-2020

**SUGGESTED SUBSTITUTE**

**BOARDS AND COMMISSIONS  
Kentucky Board of Architects**

**201 KAR 19:450. Signature of documents by certified interior designers; use of title.**

RELATES TO: KRS 323.402, 323.406(4), 323.408(3), 323.414(1)

STATUTORY AUTHORITY: KRS 323.210(2), 323.402, 323.406(4), 323.408(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 323.210(2) authorizes the board to promulgate administrative regulations necessary to carry out the purposes of KRS Chapter 323. KRS 323.402 prohibits persons who are not certified by the board from using the title "certified interior designer." KRS 323.406(4) authorizes the board to promulgate administrative regulations to establish a process regarding the use of a certified interior designer's signature and certificate number, and KRS 323.408(3) requires the board to enforce the requirement that a certified interior designer include the certified interior designer's certificate number on all business and advertising documents[their proper usage]. This administrative regulation establishes the requirements for use of the certified interior designer's signature and certificate number.

Section 1. Certification shall be granted for individuals only. A corporation, association, or partnership shall not be certified as an interior designer.

Section 2. Office and Firm Names. (1) A title block or firm name used in connection with the title of "certified interior designer" in this state shall:

- (a) Not be misleading;
- (b) Not infer that an uncertified person is a "certified interior designer"; **[and]**
- (c) Designate as a "certified interior designer" only a person certified in Kentucky as an interior designer; **and**

**(d) Include the certificate number of the certified interior designer if used in business or as a form of advertising.**

(2) A firm name may be used without all members being certified if those certified interior designers who are certified in Kentucky have the title "certified interior designer" applied only to them in subheadings or subtitles in defining the services of the firm. Examples:

- (a) **If/Where** Smith and Jones are both certified interior designers in their own state, but only Albert Smith is certified in Kentucky and is fully responsible for work done in Kentucky:

SMITH, JONES, MILLER & MOORE Albert  
Smith, certified interior designer

- (b) **If/Where** each member is certified or licensed in Kentucky in the profession indicated:

SMITH, JONES, MILLER & MOORE, Inc. Architects and Engineers and Certified Interior Designers  
Albert Smith, Certified Interior Designer, Carl Miller, Mech. Engr. Robert Jones, Architect John Moore, Struct. Engr.

- (c) **If/Where** Jones and Smith are both certified in Kentucky and the firm has other members included in their office title:

STATEWIDE STUDIOS, Inc. Roy Jones, Certified

Interior Designer, John Davis, Mech. Engr. Carl Smith, Certified Interior Designer, Alan Moore, Manager

Section 3. A certified interior designer who is certified by the Kentucky Board of Architects shall:

- (1) Sign and affix his or her certification number to all documents prepared:
  - (a) By him or her; or
  - (b) Under his or her supervision; and
- (2) Clearly identify himself or herself as a certified interior designer by including the title or its abbreviation on the document in association with his or her signature.

CONTACT PERSON: Cordelia Harbut, Executive Director, Kentucky Board of Architects, 155 E Main Street, Suite 300, Lexington, Kentucky 40507, phone (859) 246-2069, fax (859) 346-2431, email [boa.irc@ky.gov](mailto:boa.irc@ky.gov).

#### **REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT**

The agency needs to file one (1) clean copy of a REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT at the time it files this staff suggested amendment paginated as pages 6-7. The RIA for 201 KAR 19:445 was inadvertently attached to this regulation in the original filing.

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

201 KAR: 19:450

Contact Person: Cordelia Harbut, phone: (859) 246-2069, email: Cordelia.Harbut@ky.gov

(1) Provide a brief summary of:

- (a) What this administrative regulation does: This administrative regulation establishes the requirements for use of the certified interior designer's signature and certificate number.
- (b) The necessity of this administrative regulation: This administrative regulation is necessary to enforce the education, experience and testing requirement necessary to use of the signature and certificate number of the certificate holder and the title "certified interior designer."
- (c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 323.408(3) requires the board to enforce their proper usage and KRS 323.406(4) authorizes the board to establish a process regarding the use of a certified interior designer's signature and certificate number. KRS 323.402 prohibits persons who are not certified by the board from using the title "certified interior designer."
- (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation apprises certified interior designers of the penalties for violating title, signature, or certificate number usage requirements.

(2) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Certified Interior Designers, approximately 240.

(3) Provide an analysis of how the entities identified in question (2) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

- (a) List the actions that each of the regulated entities identified in question (2) will have to take to comply with this administrative regulation or amendment: Each entity must comply with the requirements outlined in the regulation or face penalties for violations.
- (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (2): There will be no direct fee for compliance with this regulation.
- (c) As a result of compliance, what benefits will accrue to the entities identified in question (2): The entities will not face penalties and remain in compliance and good standing with the Board.

(4) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

- (a) Initially: No new cost will be incurred.
- (b) On a continuing basis: No new cost will be incurred.

(5) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Board is a self-supporting agency and receives no general fund tax appropriation. It is funded entirely through fees assessed for regulating its professionals.

(6) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees is required to implement this regulation.



(7) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.

(8) TIERING: Is tiering applied? (Explain why tiering was or was not used) No tiering was not applied as the regulation is applicable to all.



Final 12-10-2020

SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS  
Kentucky Board of Architects

201 KAR 19:455. ~~Misconduct~~~~[Unprofessional conduct]~~.

RELATES TO: KRS 323.408(1), 323.412

STATUTORY AUTHORITY: KRS 323.210(2), 323.406, 323.408(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 323.210(2) authorizes the board to promulgate administrative regulations necessary to carry out the purposes of KRS Chapter 323. KRS 323.406(4) authorizes the board to promulgate administrative regulations to establish a process regarding the use of a certified interior designer's signature. KRS 323.408(1) requires the board to administer and enforce the laws governing certified interior designers. This administrative regulation establishes what constitutes misconduct, and fraudulent or dishonest activity~~[a code of professional conduct]~~ for certified interior designers.

Section 1. ~~Misconduct~~~~[Unprofessional Conduct]~~. The following acts by a certified interior designer shall be "~~misconduct~~~~[unprofessional conduct]~~":

(1) Accepting compensation for interior design services from an entity other than his or her client or employer, unless the client or employer has notice and has waived objection;~~[-]~~

(2) Offering or making a payment or gift to a government official, whether elected or appointed, with the intent to influence official judgment in connection with a prospective or existing project;~~[-]~~

(3) Offering or making a payment or gift, as an individual certified interior designer or as a participating member of a partnership or corporation, to an elected governmental official, candidate for governmental office, or the campaign of a candidate for governmental office, ~~if~~~~[when]~~ the payment or gift is a violation of federal or state campaign finance law;~~[-]~~

(4) Having a court judgment entered, as described at KRS 323.412;~~[-]~~

(5) Offering or making a gift, except a gift of nominal value, including, for example, reasonable entertainment and hospitality, with the intent to influence the judgment of an existing or prospective client in connection with a project in which the certified interior designer has an interest;~~[-]~~

(6) Having a financial interest in the manufacture, sale, or installation of a component or process used in a project for which he or she is the certified interior designer, unless the client has been advised and has waived objection;~~[-]~~

(7) Publicly endorsing a product, system, or service, or permitting the use of his or her name or photograph to imply endorsement of a product, system, or service not designed or developed by him or her; ~~and~~~~[-]~~

(8) Claiming to be the author of a plan, print, building specification, or report, or affixing his or her name to a drawing, which has not been prepared by the certified interior designer or an employee under the supervision of the certified interior designer.

Section 2. Fraudulent or Dishonest Activity. In addition to the prohibitions in KRS 323.412, the following practices by a certified interior designer shall be ~~[deemed to be]~~ "fraudulent or dishonest behavior":

(1) Making untrue or deceitful statements or representations to the board;~~[-]~~

(2) Bribing a person who may influence the selection of a certified interior designer;~~[-]~~

(3) Willfully misleading or defrauding a person employing him or her as a certified interior designer;~~[-]~~

(4) Willful violation of:

(a) A Kentucky or other state law relating to the title of certified interior designer; or

(b) An administrative regulation promulgated by the board;~~and[-]~~.

(5) Using, or attempting to use, or working under, a certificate that has been suspended or revoked or which has not been renewed as required by law.

CONTACT PERSON: Cordelia Harbut, Executive Director, Kentucky Board of Architects, 155 E Main Street, Suite 300, Lexington, Kentucky 40507, phone (859) 246-2069, fax (859) 346-2431, email [boa.irc@ky.gov](mailto:boa.irc@ky.gov).